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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Report of the Third Committee (Part IV)*

Rapporteur: Mrs. Rosa Carmina Recinos de MALDONADO (Guatemala)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 24 September 1993, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-eighth session the item entitled:

"Human rights questions:

"(c) Human rights situations and reports of special rapporteurs and representatives"

and to allocate it to the Third Committee.

2. The Committee considered the item in conjunction with items 115 and 172 at its 36th to 55th meetings, on 17 to 19, 22 to 24, 26, 29 and 30 November and on 1, 3, 6 and 8 December 1993. An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.3/48/SR.36-55).

3. For the documents before the Committee under this item, see document A/48/632.

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* The report of the Committee on item 114 will be issued in five parts (see also A/48/632 and Add.1, 2 and 4).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/48/L.36 and Rev.1

4. At the 50th meeting, on 3 December, the representative of the United States of America, on behalf of Australia, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Finland, France, the Gambia, Germany, Hungary, Iceland, Ireland, Japan, Luxembourg, the Netherlands, Norway, Poland, Portugal, the Republic of Moldova, Romania, Sweden, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, introduced a draft resolution entitled "Situation of human rights in Cuba" (A/C.3/48/L.36), which read:

"The General Assembly,

"Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights 1/ and the International Covenants on Human Rights 2/ and other applicable human rights instruments,

"Reaffirming also that all Member States have an obligation to fulfil the commitments they have freely undertaken under the various international instruments,

"Taking particular note of Commission on Human Rights resolution 1993/63 of 10 March 1993, 3/ in which the Commission recognized with deep appreciation the efforts of the Secretary-General and of the Special Rapporteur to carry out their mandate concerning the situation of human rights in Cuba,

"Noting as well concern about ongoing reports of serious violations of human rights in Cuba, as outlined in the interim report on the situation of human rights in Cuba 4/ presented to the General Assembly by the Special Rapporteur,

"Deeply concerned that Cuba increased repression against leaders of several human rights groups in Cuba on United Nations Human Rights Day (10 December 1992),

"Recalling the failure of the Government of Cuba to cooperate with the Commission on Human Rights with regard to its resolution 1991/68 of

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ See Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

4/ A/48/562.

6 March 1991 5/ by refusing to permit the Special Representative to visit Cuba, and its response, as cited in appendix I to the 1992 interim report of the Special Rapporteur, 6/ in which Cuba expressed its decision not to 'implement so much as a single comma of resolution 1992/61',

"1. Commends the Special Rapporteur of the Commission on Human Rights for his interim report on the situation of human rights in Cuba; 4/

"2. Expresses its full support for the work of the Special Rapporteur;

"3. Calls upon the Government of Cuba to cooperate fully with the Special Rapporteur by permitting him full and free access in order to establish contact with the Government and the citizens of Cuba so that he may fulfil the mandate entrusted to him;

"4. Regrets profoundly the numerous uncontested reports of violations of basic human rights and fundamental freedoms that are described in the report of the Special Rapporteur of the Secretary-General 7/ and in the interim report of the Special Rapporteur of the Commission on Human Rights; 4/

"5. Calls upon the Government of Cuba to adopt measures proposed by the Special Rapporteur to ratify international human rights instruments, to cease the persecution and punishment of citizens for reasons related to freedom of expression and peaceful association, to permit legalization of independent groups, to respect guarantees of due process, to permit access to the prisons by national independent groups and international humanitarian agencies, to review sentences for crimes of a political nature and to cease retaliatory measures towards those seeking permission to leave the country;

"6. Decides to continue its consideration of this question at its forty-ninth session."

5. In introducing the draft resolution, the representative of the United States of America orally revised it.

6. At its 52nd meeting, on 6 December, the Committee had before it a revised draft resolution (A/C.3/48/L.36/Rev.1), submitted by the sponsors of draft resolution A/C.3/48/L.36, which incorporated the revisions made by the representative of the United States of America at the 50th meeting.

5/ See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

6/ A/47/625.

7/ E/CN.4/1993/39.

7. At the same meeting, statements were made by the representatives of Cuba, Yemen and India (see A/C.3/48/SR.52).

8. Also at the same meeting, the Committee adopted revised draft resolution A/C.3/48/L.36/Rev.1 by a recorded vote of 62 to 18, with 52 abstentions (see para. 67, draft resolution I). The voting was as follows: 8/

In favour: Albania, Argentina, Armenia, Australia, Austria, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Micronesia (Federated States of), Monaco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: China, Cuba, Democratic People's Republic of Korea, Ghana, India, Iran (Islamic Republic of), Iraq, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Namibia, Sudan, Syrian Arab Republic, Uganda, Viet Nam, Zambia, Zimbabwe.

Abstaining: Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Central African Republic, Colombia, Côte d'Ivoire, Dominican Republic, Egypt, El Salvador, Ethiopia, Guyana, Indonesia, Jamaica, Kazakhstan, Kenya, Lesotho, Liechtenstein, Maldives, Mali, Mauritania, Mexico, Mozambique, Nigeria, Pakistan, Papua New Guinea, Peru, Rwanda, Sierra Leone, Solomon Islands, Sri Lanka, Suriname, Swaziland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Ukraine, Venezuela.

9. After the adoption of the draft resolution, statements were made by the representatives of the Libyan Arab Jamahiriya, Barbados, Malaysia and Ukraine (see A/C.3/48/SR.52).

8/ Subsequently, the delegation of Liechtenstein indicated that it had intended to vote in favour, and the delegation of the Philippines indicated that it had intended to abstain. The delegation of Andorra indicated that, had it been present, it would have voted in favour, and the delegation of the United Republic of Tanzania indicated that, had it been present, it would have voted against. The delegations of the Bahamas and the Niger indicated that, had they been present, they would have abstained.

B. Draft resolution A/C.3/48/L.51 and Rev.1

10. At the 50th meeting, on 3 December, the representative of Pakistan, on behalf of Afghanistan, Albania, Bangladesh, Bosnia and Herzegovina, Cameroon, Costa Rica, Djibouti, the Dominican Republic, Egypt, the Gambia, the Islamic Republic of Iran, Malaysia, Morocco, Pakistan, Saudi Arabia, Senegal, the Sudan, Tunisia, Turkey and Yemen, introduced a draft resolution entitled "Rape and abuse of women in the territory of the former Yugoslavia" (A/C.3/48/L.51), which read:

"The General Assembly,

"Guided by the purpose and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 9/ the International Covenants on Human Rights, 10/ the International Convention on the Elimination of All Forms of Racial Discrimination, 11/ the Convention on the Prevention and Punishment of the Crime of Genocide, 12/ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 13/ the Convention on the Elimination of All Forms of Discrimination against Women, 14/ the Convention on the Rights of the Child 15/ and other instruments of international humanitarian law, including the Geneva Conventions of 12 August 1949 16/ and the Additional Protocols thereto of 1977, 17/

"Recalling General Assembly resolution 3074 (XXVIII) of 3 December 1973, entitled 'Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity',

"Recalling Commission on Human Rights resolution 1993/8 of 23 February 1993, entitled 'Rape and abuse of women in the territory of the former Yugoslavia',

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9/ Resolution 217 A (III).

10/ Resolution 2200 A (XXI), annex.

11/ Resolution 2106 A (XX), annex.

12/ Resolution 260 A (III).

13/ Resolution 39/46, annex.

14/ Resolution 34/180, annex.

15/ Resolution 44/25, annex.

16/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

17/ United Nations, Treaty Series, vol. 1125, No. 17512.

"Appalled at the recurring and substantiated reports of widespread rape and abuse of women and children in the former Yugoslavia, in particular its systematic use against the Muslim women and children in Bosnia and Herzegovina by Serbian forces,

"Reaffirming the relevant Security Council resolutions, in particular resolution 798 (1992) of 18 December 1992 in which, inter alia, the Council strongly condemned these acts of unspeakable brutality,

"Convinced that this heinous practice constitutes a deliberate weapon of war in fulfilling the policy of ethnic cleansing carried out by Serbian forces in Bosnia and Herzegovina, and noting General Assembly resolution 47/121 of 18 December 1992, in which the Assembly stated, inter alia, that the abhorrent policy of ethnic cleansing was a form of genocide,

"Welcoming the initiatives taken by the Special Rapporteur on the situation of human rights in the former Yugoslavia, particularly his prompt dispatch of a team of experts to the former Yugoslavia to investigate the allegations of rape and abuse of women,

"Welcoming also the initiative of the European Council on the rapid dispatch of a mission to investigate the treatment of Muslim women in the former Yugoslavia, and the delegation's report, 18/

"Noting with deep concern the findings of the team of experts dispatched by the Special Rapporteur, 19/ and those of the mission dispatched by the European Council,

"Welcoming the establishment of an International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1992, in pursuance of Security Council resolutions 808 (1993) and 827 (1993),

"Noting with deep concern the reports on the findings of the Special Rapporteur 20/ and the Secretary-General, assisted by the staff of the Special Rapporteur, 21/ regarding rape and abuse of women in the territory of the former Yugoslavia, particularly Bosnia and Herzegovina,

"Deeply alarmed at the situation facing victims of rape in the conflicts in different parts of the world, in particular in the former Yugoslavia, and the continuing use of rape as an 'instrument of war',

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18/ E/CN.4/1993/92.

19/ E/CN.4/1993/50, annex II.

20/ E/CN.4/1994/47.

21/ E/CN.4/1994/5.

"Desirous of ensuring that any person guilty of rape in the former Yugoslavia will be brought to justice by the International Tribunal,

"Recognizing the extraordinary suffering of the victims of rape and sexual violence and the necessity for an appropriate response to their suffering,

"Taking into account resolution 37/7 of 25 March 1993 of the Commission on the Status of Women,

"Noting with appreciation the work of humanitarian organizations aimed at supporting the victims of rape and abuse and alleviating their suffering,

"1. Strongly condemns the abhorrent practice of rape and abuse of women and children in the former Yugoslavia which, in the circumstances, constitutes a war crime;

"2. Expresses its outrage that the systematic practice of rape is being used as a weapon of war against Muslim women and children and as an instrument of the policy of ethnic cleansing carried out in Bosnia and Herzegovina by the Serbian forces, and that rape has also been used as an instrument of ethnic cleansing in Croatia;

"3. Demands that those involved immediately cease these outrageous acts, which are in gross violation of international humanitarian law, including the Geneva Conventions of 1949 16/ and the Additional Protocols thereto of 1977, 17/ and take immediate action to ensure the enjoyment of human rights and fundamental freedoms in accordance with their obligations under these instruments and other applicable international human rights instruments;

"4. Urges all States Members of the United Nations to take joint and separate action, in cooperation with the United Nations, to bring about an end to this despicable practice;

"5. Reaffirms that all persons who perpetrate or authorize crimes against humanity and other violations of international humanitarian law are individually responsible for those violations, and that those in positions of authority who have failed adequately to ensure that persons under their control comply with the relevant international instruments are accountable along with the perpetrators;

"6. Urges States Members of the United Nations to exert every effort to bring to justice, in accordance with international recognized principles of due process, all those individuals directly or indirectly involved in these outrageous international crimes;

"7. Commends the Special Rapporteur for his latest report on the situation of human rights in the territory of the former Yugoslavia; 20/

"8. Urges all States and all relevant intergovernmental and non-governmental organizations, including the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the World Health Organization, to provide to the victims of such rape and abuse appropriate assistance for their physical and mental rehabilitation;

"9. Requests the Special Rapporteur to pursue a specific investigation into the rape and abuse of women and children in the former Yugoslavia, including the dispatch of a qualified team of experts, to coordinate with the relevant thematic special rapporteurs of the Commission on Human Rights, with the mission dispatched by the European Council and with any other missions and to present a further report to the Commission;

"10. Requests the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 to give priority to the cases of the victims of rape in the former Yugoslavia, and to give the perpetrators of such heinous crimes exemplary punishments;

"11. Requests the Secretary-General to provide such necessary means as are available to him in the area to enable any future missions to have free and secure access to places of detention;

"12. Also requests the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly not later than 31 January 1994;

"13. Decides to remain seized of this matter."

11. In introducing the draft resolution, the representative of Pakistan orally revised it.

12. At its 52nd meeting, on 6 December, the Committee had before it a revised draft resolution entitled "Rape and abuse of women in the former Yugoslavia" (A/C.3/48/L.51/Rev.1), submitted by the sponsors of draft resolution A/C.3/48/L.51, which incorporated the revisions made by the representative of Pakistan at the 50th meeting.

13. Subsequently, Andorra, Australia, Austria, Azerbaijan, Belgium, Bolivia, Cambodia, Canada, Denmark, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Honduras, Iceland, Iraq, Ireland, Israel, Italy, Japan, Kyrgyzstan, Liechtenstein, Luxembourg, Madagascar, Nepal, the Netherlands, New Zealand, Nicaragua, Norway, Oman, Peru, the Philippines, Portugal, the Republic of Korea, Samoa, San Marino, Slovenia, the Solomon Islands, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay joined in sponsoring the draft resolution.

14. At the same meeting, the representative of Pakistan orally revised the revised draft resolution as follows:

(a) The title was revised to read "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia";

(b) The words "where appropriate" were added at the end of the thirteenth preambular paragraph;

(c) In the fourteenth preambular paragraph, the words "and compensation" were deleted after the words "assistance and";

(d) In operative paragraph 10, the word "Determines" was replaced with the word "Declares".

15. At the same meeting, the Committee adopted revised draft resolution A/C.3/48/L.51/Rev.1, as orally revised, without a vote (see para. 67, draft resolution II).

16. After the adoption of the revised draft resolution, statements were made by the representatives of India and Bosnia and Herzegovina (see A/C.3/48/SR.52).

C. Draft resolution A/C.3/48/L.57

17. At the 50th meeting, on 3 December, the representative of Belgium, on behalf of Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Costa Rica, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kuwait, Liechtenstein, Luxembourg, the Netherlands, Norway, Panama, Portugal, Romania, San Marino, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in Iraq" (A/C.3/48/L.57). Subsequently, Andorra joined in sponsoring the draft resolution.

18. At the 52nd meeting, on 6 December, the representative of Iraq made a statement (see A/C.3/48/SR.52).

19. At the same meeting, the Committee adopted draft resolution A/C.3/48/L.57 by a recorded vote of 105 to 2, with 41 abstentions (see para. 67, draft resolution III). The voting was as follows:

In favour: Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Spain, Suriname, Swaziland, Sweden, Syrian

Arab Republic, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zaire, Zambia.

Against: Iraq, Sudan.

Abstaining: Algeria, Angola, Bangladesh, Benin, Brunei Darussalam, Cambodia, Cameroon, Chad, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, El Salvador, Fiji, Guinea, Guinea-Bissau, Indonesia, Kenya, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Mali, Mauritania, Morocco, Mozambique, Namibia, Nigeria, Pakistan, Papua New Guinea, Philippines, Sierra Leone, Solomon Islands, Sri Lanka, Thailand, Tunisia, Uganda, United Republic of Tanzania, Viet Nam, Zimbabwe.

D. Draft resolution A/C.3/48/L.58

20. At the 50th meeting, on 3 December, the representative of Belgium, on behalf of Australia, Belgium, Canada, Costa Rica, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, the Netherlands, Norway, Portugal, San Marino, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in the Islamic Republic of Iran" (A/C.3/48/L.58).

21. At the 53rd meeting, on 6 December, statements were made by the representatives of Egypt and Algeria (see A/C.3/48/SR.53).

22. At the same meeting, the Committee adopted draft resolution A/C.3/48/L.58 by a recorded vote of 68 to 22, with 45 abstentions (see para. 67, draft resolution IV). The voting was as follows: 22/

In favour: Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bolivia, Botswana, Brazil, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, Finland, France, Gambia, Germany, Greece, Guatemala, Guyana, Honduras, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Russian Federation, Rwanda, Samoa, San Marino, Slovenia, Spain, Suriname, Swaziland, Sweden, Togo, Trinidad

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22/ Subsequently, the delegation of Iraq indicated that it had intended to vote in favour; and the delegation of Cameroon indicated that, had it been present, it would have abstained.

and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Zambia.

Against: Afghanistan, Armenia, Azerbaijan, Bangladesh, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, India, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Myanmar, Oman, Pakistan, Qatar, Sri Lanka, Sudan, Syrian Arab Republic, Turkmenistan, Viet Nam.

Abstaining: Albania, Angola, Belarus, Benin, Bhutan, Bulgaria, Burkina Faso, Burundi, Colombia, Côte d'Ivoire, Cyprus, El Salvador, Fiji, Georgia, Ghana, Guinea-Bissau, Kazakhstan, Kenya, Lao People's Democratic Republic, Lesotho, Malawi, Maldives, Mali, Mauritania, Mozambique, Namibia, Niger, Nigeria, Papua New Guinea, Philippines, Poland, Republic of Korea, Republic of Moldova, Saudi Arabia, Sierra Leone, Singapore, Slovakia, Solomon Islands, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Uganda, Ukraine, United Republic of Tanzania, Zimbabwe.

23. After the adoption of the draft resolution, statements were made by the representatives of Ukraine and the Libyan Arab Jamahiriya (see A/C.3/48/SR.53).

E. Draft resolution A/C.3/48/L.62 and Rev.1

24. At the 50th meeting, on 3 December, the representative of the United States of America, on behalf of Armenia, Australia, Austria, Belgium, Canada, Costa Rica, the Czech Republic, Denmark, Djibouti, Ethiopia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Monaco, Morocco, Nicaragua, Norway, Pakistan, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, the Solomon Islands, Spain, Sweden, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in Somalia" (A/C.3/48/L.62), which read:

"The General Assembly,

"Guided by the principles embodied in the Charter of the United Nations, the International Bill of Human Rights 23/ and other applicable human rights instruments,

"Gravely concerned by the situation in Somalia, including the extensive damage and destruction of villages, towns and cities, the heavy damage inflicted by the civil conflict on the country's infrastructure and the still widespread disruption of many public facilities and services and the lack of a governmental authority to ensure even basic human rights,

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23/ See resolutions 217 A (III) and 2200 A (XXI), annex.

"Deploring attacks against United Nations personnel and personnel of other humanitarian organizations in Somalia, sometimes resulting in serious injuries or deaths,

"Recalling Security Council resolution 733 (1992) of 21 January 1992, and all subsequent relevant Security Council resolutions, General Assembly resolution 47/167 of 18 December 1992, and resolution 1993/86 of the Commission on Human Rights of 10 March 1993,

"Commending the ongoing efforts in Somalia of the United Nations, its specialized agencies, humanitarian organizations, non-governmental organizations and countries in the region,

"Taking note with appreciation of the report of the Independent Expert 24/ dated 26 October 1993,

"1. Commends the Independent Expert for his report on the situation of human rights in Somalia;

"2. Urges all Somali parties in the conflict to confirm their commitment to the Addis Ababa agreement of 27 March 1993;

"3. Also urges all Somalis to work together towards peace and security in Somalia and to guarantee the protection of all human rights and fundamental freedoms for all Somalis;

"4. Calls upon all parties to protect United Nations personnel, civilians and humanitarian relief workers from being killed, tortured or arbitrarily detained;

"5. Requests that, following the restoration of political stability and security in Somalia, the Secretary-General and, if necessary the Security Council, consider establishing a group of independent human rights monitors, funded from within existing United Nations resources, to receive complaints and collect and investigate reports of violations of human rights and to transmit them, where appropriate, to the United Nations Centre for Human Rights, in an effort to prevent human rights violations;

"6. Decides to continue its consideration of this question at its forty-ninth session."

25. At its 53rd meeting, on 6 December, the Committee had before it a revised draft resolution (A/C.3/48/L.62/Rev.1), submitted by the sponsors of draft resolution A/C.3/48/L.62, now joined by Andorra, Guinea, Japan, Luxembourg, New Zealand, the Netherlands, Sierra Leone and Slovakia.

26. At the same meeting, the representative of Djibouti made a statement (see A/C.3/48/SR.53).

24/ A/48/510.

27. Also at the same meeting, the Committee adopted revised draft resolution A/C.3/48/L.62/Rev.1 without a vote (see para. 67, draft resolution V).

28. After the adoption of the revised draft resolution, statements were made by the representatives of the Philippines, Uganda, Iraq and the Sudan.

F. Draft resolution A/C.3/48/L.65 and Rev.1

29. At the 50th meeting, on 3 December, the representative of the United States of America, on behalf of Argentina, Australia, Austria, Belgium, Denmark, Finland, Georgia, Germany, Ghana, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, the Republic of Korea, Romania, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in the Sudan" (A/C.3/48/L.65), which read:

"The General Assembly,

"Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, 25/ the International Covenants on Human Rights, 26/ and the International Convention on the Elimination of All Forms of Racial Discrimination, 27/

"Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to comply with the obligations laid down in the various instruments in this field,

"Recalling resolution AHG/Res.213 (XXVIII) on the strengthening of cooperation and coordination among African States adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-eighth ordinary session, held at Dakar from 29 June to 1 July 1992, 28/ and recalling the Addis Ababa agreement of July 1990, 29/

"Noting with deep concern reports of grave human rights violations in the Sudan, particularly summary executions, detentions without trial, forced displacement of persons and torture, described in part in the reports submitted to the Commission on Human Rights at its forty-eighth session by the Special Rapporteurs on torture and on summary or arbitrary executions,

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25/ Resolution 217 A (III), annex.

26/ Resolution 2200 A (XXI), annex.

27/ Resolution 2106 A (XX), annex.

28/ See A/47/558, annex II.

29/ See A/45/482, annex II.

"Disturbed by the lack of progress, despite the announcement by the Government of the Sudan of its intention to convene an independent judicial inquiry commission to investigate the killings of Sudanese nationals employees of foreign government relief organizations,

"Concerned over the reported attack on 12 November 1992 by aeroplanes of the Government of the Sudan on an airstrip in Thiet that resulted in injuries to three relief workers, and further concerned by the reported bombing of civilian areas in Loa and Pageri that may have resulted in deaths or injuries,

"Deeply concerned that access by the civilian population to humanitarian assistance is being impeded, which poses a threat to human life and constitutes an offence to human dignity, but welcoming the continuing dialogue between the Government of the Sudan and other parties, donor Governments and international private voluntary agencies regarding delivery of humanitarian aid, and expressing the hope that such dialogue will result in improved cooperation for the delivery of humanitarian assistance,

"Alarmed by the large number of internally displaced persons and victims of discrimination in the Sudan, including members of minorities who have been forcibly displaced in violation of their human rights and who are in need of relief assistance and of protection,

"Alarmed also by the mass exodus of refugees into neighbouring countries, and conscious of the burden that this places on those countries, but expressing its appreciation for the continuing efforts to assist them, thereby easing the burden on host countries,

"Emphasizing that it is essential to put an end to the serious deterioration of the human rights situation in the Sudan, including that in the Nuba Mountains,

"Welcoming the efforts of the United Nations and other humanitarian organizations to provide humanitarian relief to those Sudanese in need,

"Noting with appreciation the efforts of the Special Rapporteur, and commending him for his interim report on the human rights situation in the Sudan,

"1. Expresses its deep concern at the continuing and serious human rights violations in the Sudan, including summary executions, detentions without due process, forced displacement of persons and torture;

"2. Notes with concern the reprisals taken by the Government of the Sudan against those who contacted or attempted to contact the Special Rapporteur for the Sudan;

"3. Urges the Government of the Sudan to respect fully human rights, and calls upon all parties to cooperate in order to ensure such respect;

"4. Calls upon the Government of the Sudan to comply with applicable international human rights instruments, in particular the International Covenants on Human Rights and the Convention on the Elimination of All Forms of Racial Discrimination, to which the Sudan is a party, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy the rights recognized in those instruments;

"5. Calls upon all parties to the hostilities to respect fully the applicable provisions of international humanitarian law including article 3 common to the Geneva Conventions of 1949, 30/ and the Additional Protocols thereto of 1977, 31/ to halt the use of weapons against the civilian population, to protect all civilians from violations, including arbitrary detention, ill-treatment, torture and summary execution;

"6. Expresses its appreciation to the humanitarian organizations for their work in helping displaced persons and drought and conflict victims in the Sudan, and calls on all parties to protect humanitarian relief workers;

"7. Calls upon the Special Rapporteur on summary or arbitrary executions again to address the killing of Sudanese national employees of foreign government relief organizations;

"8. Calls upon the Government of the Sudan to explain fully the actions to obstruct the efforts of the Special Rapporteur for the Sudan, especially the ill-treatment afforded those who contacted or attempted to contact him;

"9. Also calls upon the Government of the Sudan to ensure a full, thorough and prompt investigation of the killings of Sudanese nationals employees of foreign government relief organizations by the independent judicial inquiry commission, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims;

"10. Further calls upon the Government of the Sudan to investigate and explain without delay the circumstances behind the air attacks on 12 and 23 November 1993;

"11. Strongly urges all parties to the hostilities to redouble their efforts to negotiate an equitable solution to the civil conflict to ensure respect for the human rights and fundamental freedoms of the Sudanese people, thereby creating the necessary conditions to end the exodus of Sudanese refugees to neighbouring countries and facilitating their early return to the Sudan, and welcomes efforts to facilitate dialogue among the parties to that end;

30/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

31/ Ibid., vol. 1125, Nos. 17512 and 17513.

"12. Calls upon the Government of the Sudan and other parties to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population and to cooperate with the recent initiatives of the Department of Humanitarian Affairs of the United Nations Secretariat to deliver humanitarian assistance to all persons in need;

"13. Recommends that the serious human rights situation in the Sudan be monitored, and invites the Commission on Human Rights at its fiftieth session to give urgent attention to the situation of human rights in the Sudan;

"14. Decides to continue its consideration of this question at its forty-ninth session."

30. In introducing the draft resolution, the representative of the United States of America orally revised it.

31. At the same meeting, the representative of the Sudan made a statement (see A/C.3/48/SR.50).

32. At its 53rd meeting, on 6 December, the Committee had before it a revised draft resolution (A/C.3/48/L.65/Rev.1), submitted by the United States of America on behalf of Argentina, Australia, Austria, Belgium, Canada, Denmark, Finland, Ghana, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which incorporated the revisions made by the representative of the United States of America at the 50th meeting.

33. At the 53rd meeting, the Secretary of the Committee read out an oral revision to the revised draft resolution, by which a new operative paragraph 2 was inserted, which read:

"2. Takes note of paragraph 24 of the report of the Special Rapporteur for the Sudan, in which he stated that the Government of the Sudan had cooperated with the Special Rapporteur by arranging the meetings he had requested and further facilitated visits to the locations he had wished to see".

The remaining operative paragraphs were renumbered.

34. At the same meeting, statements were made by the representatives of Cuba, Cameroon and Uganda (see A/C.3/48/SR.53).

35. On the proposal of the representative of the Sudan, the Committee then took action on revised draft resolution A/C.3/48/L.65/Rev.1 as follows:

(a) The eleventh preambular paragraph was adopted by a recorded vote of 148 to none. The voting was as follows: 32/

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: None.

(b) Operative paragraph 12 was adopted by a recorded vote of 148 to none. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Fiji, Finland,

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32/ Subsequently, the delegation of Yemen indicated that it had not participated in the voting.

France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: None.

(c) New operative paragraph 2 was adopted by a recorded vote of 147 to none, with 1 abstention. The voting was as follows: 33/

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua,

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33/ Subsequently, the Secretariat was informed that the delegation of Seychelles had not been present during the voting.

Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Seychelles.

(d) The draft resolution, as a whole, was adopted by a recorded vote of 102 to 11, with 31 abstentions (see para. 67, draft resolution VI). The voting was as follows: 34/

In favour: Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, Spain, Suriname, Sweden, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Zambia, Zimbabwe.

Against: China, Cuba, India, Indonesia, Iran (Islamic Republic of), Iraq, Libyan Arab Jamahiriya, Myanmar, Sudan, Syrian Arab Republic, Viet Nam.

34/ Subsequently, the delegation of Bosnia and Herzegovina indicated that it had intended to abstain.

Abstaining: Afghanistan, Angola, Bangladesh, Benin, Bhutan, Brunei Darussalam, Burkina Faso, Cameroon, Chad, Cote d'Ivoire, El Salvador, Guinea-Bissau, Jamaica, Kenya, Lao People's Democratic Republic, Malaysia, Maldives, Mali, Mauritania, Mozambique, Niger, Nigeria, Pakistan, Papua New Guinea, Philippines, Senegal, Sierra Leone, Sri Lanka, Swaziland, Thailand, Tunisia.

36. After the adoption of the draft resolution, the representatives of the Sudan and the Libyan Arab Jamahiriya made statements (see A/C.3/48/SR.53).

G. Draft resolution A/C.3/48/L.67

37. At the 50th meeting, on 3 December, the representative of Mexico, on behalf of Algeria, Argentina, Chile, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, Ghana, Guatemala, Guinea, Mexico, Morocco, Nicaragua, Peru, the Philippines, the Russian Federation, Rwanda, Tunisia, Turkey and Uruguay, introduced a draft resolution entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families" (A/C.3/48/L.67). Subsequently, Guinea-Bissau, India, Senegal, Sierra Leone and the Sudan joined in sponsoring the draft resolution.

38. At its 53rd meeting, on 6 December, the Committee adopted draft resolution A/C.3/48/L.67 without a vote (see para. 67, draft resolution VII).

39. After the adoption of the draft resolution, the representative of Japan made a statement (see A/C.3/48/SR.53).

H. Draft resolution A/C.3/48/L.68 and Rev.1

40. At the 53rd meeting, on 6 December, the representative of Mexico, on behalf of Colombia, Costa Rica, El Salvador, France, Guatemala, Honduras, Mexico, Spain, Sweden, the United States of America and Venezuela, introduced a draft resolution entitled "Situation of human rights in El Salvador" (A/C.3/48/L.68), which read:

"The General Assembly,

"Guided by the international human rights instruments,

"Recalling its resolution 47/140 of 18 December 1992, as well as Commission on Human Rights resolution 1993/93 of 10 March 1993 35/ and the statement of 20 August 1993 by the Chairman of the Subcommission on Prevention of Discrimination and Protection of Minorities on support for the peace process in El Salvador,

"Taking into account the reports of the Secretary-General and the Director of the Human Rights Division of the United Nations Observer Mission in El Salvador,

"Convinced that full and speedy implementation of the Peace Accords is necessary in order to guarantee full respect for human rights and the consolidation of the reconciliation and democratization process under way in the country,

"Welcoming the fact that many of the agreements have already been put into effect by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional,

"Concerned none the less that despite the appeals of the Security Council and the Secretary-General most of the agreements referred to in Security Council resolution 832 (1993) of 27 May 1993 have not been implemented, and that there have been some irregularities in the application of the agreements relating to public security,

"Concerned also about the resurgence of acts of violence and their negative effect on the political climate of the country, particularly about the recent assassinations and threats which may be politically motivated directed against leaders and other members of different political tendencies, probably by illegal armed groups, which repeat the behavioural patterns prevailing in the past, and alarmed because these acts of political violence could jeopardize the peace process and the holding of free and fair elections, unless effective measures to eliminate and punish such human rights violations are taken immediately,

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35/ See Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

"Noting with interest the agreement between the Government of El Salvador and the United Nations Observer Mission in El Salvador on the establishment of a mechanism to investigate clandestine armed groups and their possible connection with the resurgence of political violence,

"Taking note of the importance of having adopted a number of reforms of the judicial system, as well as of the need to adopt both the reforms which are in the process of being approved and the reforms recommended by the Commission on the Truth, all of which are designed to contribute to the elimination of the existing impunity and consequently to the full attainment of the rule of law,

"Considering that the international community must follow closely and continue to support all efforts to consolidate peace, ensure full respect for human rights and undertake the reconstruction of El Salvador,

"1. Commends the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional for having fulfilled many of their commitments and for having overcome a number of obstacles to the application of the agreements;

"2. Regrets none the less that there have been considerable delays in the implementation of some agreements, and therefore calls on the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to step up their efforts to complete as agreed, by the proposed dates, the programme for the transfer of land, the reintegration programme for ex-combatants, the deployment of the National Civil Police and the phasing-out of the National Police, as well as the collection of weapons issued for the exclusive use of personnel of the Armed Forces and the adoption of the Act on Private Security Services;

"3. Condemns the recent acts of political violence, which have been repudiated by the various sectors of Salvadorian society, and considers it inadmissible that such acts, perpetrated by a small minority, should jeopardize the progress made in implementing the agreements and hamper the holding of free elections in March 1994;

"4. Fully supports the immediate conduct of a complete, effective and impartial investigation of illegal armed groups, as recommended by the Commission on the Truth, which has become urgent in view of the recent acts of political violence;

"5. Notes with satisfaction the statement of 5 November 1993, entitled 'Commitment of the presidential candidates to peace and stability in El Salvador', in which the candidates inter alia solemnly committed themselves to maintain the constructive evolution of the peace process and to implement all the commitments contained in the Peace Accords and rejected any politically motivated violence or intimidation;

"6. Calls upon all Governments to contribute to the consolidation of peace and the attainment of full respect for human rights in El Salvador by supporting full compliance with the Peace Accords and generously financing

their implementation and the implementation of the National Reconstruction Plan;

"7. Reiterates it gratitude for the important work being carried out by the Secretary-General and his representatives and by the United Nations Observer Mission in El Salvador, and extends to them its support so that they can continue to take all necessary steps to contribute to the successful implementation of the Peace Accords;

"8. Acknowledges with satisfaction the continuing efforts of the Governments of Colombia, Mexico, Spain and Venezuela, which make up the Group of Friends of the Secretary-General, as well as the Government of the United States of America, in support of the steps being taken by the Secretary-General to consolidate the peace process in El Salvador;

"9. Notes that the human rights situation in El Salvador continues to evolve in a somewhat ambivalent fashion, since, on the one hand, there continue to be signs of improvement and, on the other hand, serious violations persist, particularly as regards the right to life, and the capacity of the judicial system to clarify and punish such violations continues to be unsatisfactory;

"10. Urges the Government of El Salvador and all other institutions involved in the electoral process to adopt the necessary measures to ensure that the elections which are to take place in March 1994 are free, representative and fair, since they are a key component of the peace process;

"11. Decides to keep the situation of human rights in El Salvador under consideration during its forty-ninth session in the light of the course of events in the country."

41. At the same meeting, the representative of Mexico made a statement (see A/C.3/48/SR.53).

42. At its 54th meeting, on 8 December, the Committee had before it a revised draft resolution (A/C.3/48/L.68/Rev.1), submitted by the sponsors of draft resolution A/C.3/48/L.68, now joined by Canada, Hungary, Nicaragua and Panama.

43. At the same meeting, the representative of Mexico orally revised the revised draft resolution, as follows:

(a) In the fourth preambular paragraph, the words "the country" were replaced by the words "El Salvador";

(b) In the eleventh preambular paragraph, the words "a number of" before the word "reforms" and the words "all of" before the word "which" were deleted.

44. Also at the same meeting, the Committee adopted revised draft resolution A/C.3/48/L.68/Rev.1, as orally revised, without a vote (see para. 67, draft resolution VIII).

I. Draft resolution A/C.3/48/L.70

45. At the 51st meeting, on 3 December, the representative of Sweden, on behalf of Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, the Netherlands, Norway, Panama, Poland, Portugal, Romania, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Situation of human rights in Myanmar" (A/C.3/48/L.70). Subsequently, Lithuania joined in sponsoring the draft resolution.

46. At the 53rd meeting, on 6 December, the representatives of Myanmar and the United States of America made statements (see A/C.3/48/SR.53).

47. At the same meeting, the Committee adopted draft resolution A/C.3/48/L.70 without a vote (see para. 67, draft resolution IX).

48. After the adoption of the draft resolution, the representative of Japan made a statement (see A/C.3/48/SR.53).

J. Draft resolution A/C.3/48/L.72

49. At the 51st meeting, on 3 December, the representative of Venezuela, on behalf of Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Benin, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, Ecuador, El Salvador, Finland, France, Germany, Greece, Grenada, Guatemala, Guyana, Haiti, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Luxembourg, Mexico, Netherlands, Nicaragua, Norway, Panama, Peru, Portugal, San Marino, Spain, Suriname, Sweden, Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Vanuatu and Venezuela, introduced a draft resolution entitled "Human rights in Haiti" (A/C.3/48/L.72). Subsequently, Andorra, Belize, Cambodia and Honduras joined in sponsoring the draft resolution.

50. In introducing the draft resolution, the representative of Venezuela orally revised it by adding a new tenth preambular paragraph, which read:

> "Deeply concerned by the increase in acts of violence and intimidation against the Government of Haiti, especially the assassination of the Minister of Justice, François Guy Malary, which have contributed to the temporary withdrawal of the International Civilian Mission".

51. At the 53rd meeting, on 6 December, the representatives of Venezuela, Egypt, Yemen, the Libyan Arab Jamahiriya and the Syrian Arab Republic made statements (see A/C.3/48/SR.53).

52. At the same meeting, the Committee adopted draft resolution A/C.3/48/L.72, as orally revised, without a vote (see para. 67, draft resolution X).

53. After the adoption of the draft resolution, the representative of Haiti made a statement (see A/C.3/48/SR.53).

K. Draft resolution A/C.3/48/L.73

54. At the 50th meeting, on 3 December, the Chairman introduced a draft resolution entitled "Situation of human rights in Afghanistan" (A/C.3/48/L.73).

55. In introducing the draft resolution, the Chairman orally revised operative paragraph 10 by replacing the words "as well as for the tracing" by the words "and also in particular for the tracing".

56. At its 53rd meeting, on 6 December, the Committee adopted draft resolution A/C.3/48/L.73, as orally revised, without a vote (see para. 67, draft resolution XI).

57. After the adoption of the draft resolution, the representative of Afghanistan made a statement (see A/C.3/48/SR.53).

L. Draft resolution A/C.3/48/L.74 and Rev.1

58. At the 51st meeting, on 3 December, the representative of the United States of America, on behalf of Georgia and the United States of America, introduced a draft resolution entitled "Situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)" (A/C.3/48/L.74), which read:

"The General Assembly,

"Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 36/ the International Covenants on Human Rights, 37/ the International Convention on the Elimination of All Forms of Racial Discrimination, 38/ the Convention on the Rights of the Child, 39/ the Convention on the Prevention and Punishment of the Crime of Genocide, 40/ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 41/ and other instruments of international humanitarian law, including the Geneva Conventions of 12 August 1949 for the Protection of

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36/ Resolution 217 A (III).

37/ Resolution 2200 A (XXI), annex.

38/ Resolution 2106 A (XX), annex.

39/ Resolution 44/25, annex.

40/ Resolution 260 A (III).

41/ Resolution 39/46, annex.

War Victims 42/ and the Additional Protocols thereto of 1977, 43/ as well as the principles and commitments undertaken by States members of the Conference on Security and Cooperation in Europe,

"Gravely concerned at the human tragedy in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) and at the continuing massive and systematic violations of human rights occurring in most of those areas, particularly in the areas of Bosnia and Herzegovina under Bosnian Serb control,

"Recalling its resolution 47/147 of 18 December 1992, Commission on Human Rights resolutions 1992/S-1/1, 1992/S-2/1 and 1993/7, and relevant resolutions of the Security Council,

"Recalling specifically Security Council resolutions 771 (1992) of 13 August 1992, 780 (1992) of 6 October 1992, 787 (1992) of 16 November 1992, 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993 in which the Council demanded, inter alia, that all parties and others concerned in the former Yugoslavia immediately cease and desist from all breaches of international humanitarian law, requested the Secretary-General to establish a commission of experts to examine and analyse information relating to serious violations of such law being committed in the territory of the former Yugoslavia, and established an international tribunal for the prosecution of persons responsible for such violations,

"Welcoming the convening of the International Tribunal and the naming of its Special Prosecutor,

"Welcoming also Security Council resolutions 824 (1993) and 836 (1993) in which the Council declared that Sarajevo, Tuzla, Zepa, Gorazde, Bihac, Srebrenica and their surroundings should be treated as safe areas and that international humanitarian agencies should be given free and unimpeded access to these areas,

"Welcoming further the interim report 44/ and recommendations of the Special Rapporteur,

"Expressing appreciation to all States that have cooperated with the United Nations High Commissioner for Refugees,

"Recalling its resolution 47/80 of 16 December 1992, in which it condemned unreservedly 'ethnic cleansing' and acts of violence arising from racial hatred, and reiterated its conviction that those who committed or ordered the commission of acts of 'ethnic cleansing' were individually responsible and should be brought to justice, and noting General Assembly

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42/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

43/ Ibid., vol. 1125, Nos. 17512 and 17513.

44/ S/26469.

resolution 47/121 of 18 December 1992, in which the Assembly, inter alia, stated that the abhorrent policy of 'ethnic cleansing' was a form of genocide,

"Noting with appreciation the efforts of the Special Rapporteur, as well as those of the Chairman of the Working Group on Arbitrary Detention, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture and the representative of the Secretary-General on internally displaced persons, who accompanied him on his missions,

"Encouraging the continuing efforts made in the framework of the International Conference on the Former Yugoslavia to find a peaceful solution,

"Welcoming the ongoing efforts of the Conference on Security and Cooperation in Europe to re-establish its presence in the Federal Republic of Yugoslavia (Serbia and Montenegro) in order to prevent further human rights violations, and deeply concerned about the decision of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to expel the monitoring missions of the Conference on Security and Cooperation in Europe and the European Community of long duration to Kosovo, Sandjak and Vojvodina, where the human rights situation remains a cause of great concern,

"Gravely concerned at the human rights situation in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and in particular at the continuing, odious practice of 'ethnic cleansing', which is the direct cause of the vast majority of human rights violations there and whose principal victims are the Muslim population threatened with virtual extermination,

"Noting the discriminatory policies, measures, and violent actions committed against ethnic Albanians in Kosovo,

"Strongly rejecting policies and ideologies aimed at 'ethnic cleansing' and at promoting racial and religious hatred in any form,

"Alarmed that, although the conflict in Bosnia and Herzegovina is not a religious conflict, it has been characterized by the systematic destruction and profanation of mosques, churches and other places of worship, as well as other sites of cultural heritage, in particular in areas currently or previously under Bosnian Serb and Bosnian Croat control,

"1. Commends the Special Rapporteur for his reports 45/ on the situation of human rights in the territories of the successor States of the former Yugoslavia;

45/ S/26383, S/26415, S/26469.

"2. Expresses its grave concern at the Special Rapporteur's detailed reports of violations of human rights and humanitarian law and his conclusions about the impending humanitarian disaster in Bosnia and Herzegovina this winter;

"3. Condemns in the strongest terms all violations of human rights and international humanitarian law in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) by all sides to the conflict, in particular the Bosnian Serbs, who have used such tactics as a matter of policy;

"4. Condemns also the specific violations identified by the Special Rapporteur, most of which are committed in connection with 'ethnic cleansing', and which include killings, torture, beatings, arbitrary searches, rape, disappearances, destruction of houses and other acts or threats of violence aimed at forcing individuals to leave their homes, as well as reports of violations of human rights in connection with detention;

"5. Condemns further the indiscriminate shelling of cities and civilian areas, the systematic terrorization and murder of non-combatants, the destruction of vital services, and besieging of cities and the use of military force against civilian populations and relief operations by all sides, recognizing that the main responsibility lies with Bosnian Serbs, who have used such tactics as a matter of policy;

"6. Endorses the determination of the Security Council that all persons who perpetrate or authorize violations of international humanitarian law are individually responsible for those breaches and that the international community shall exert every effort to bring them to justice;

"7. Urges all States, United Nations bodies, including the specialized agencies, and the Special Rapporteur and, as appropriate, international humanitarian organizations, to make available substantiated information in their possession or submitted to them relating to the violations and the perpetrators of such violations of international humanitarian law, including grave breaches of the Geneva Conventions, in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to the International Tribunal established by Security Council resolution 827 (1993) for prosecution, as appropriate, by the Chief Prosecutor;

"8. Expresses deep concern at the number of disappearances and missing persons in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

"9. Urges that an immediate end be brought to the continuing practice of 'ethnic cleansing', and in particular that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) use their influence with the self-proclaimed Serbian authorities in Bosnia and Herzegovina and Croatia to bring the practice of 'ethnic cleansing' to an immediate end and to reverse the effects of that practice;

"10. Reaffirms that States are to be held accountable for violations of human rights which their agents commit upon their own territory or the territory of another State;

"11. Expresses its complete support for the victims of these violations, reaffirms the right of all persons to return to their homes in safety and dignity, considers invalid all acts made under duress affecting ownership of property and other related questions, recognizes the right of victims of 'ethnic cleansing' to receive just reparation for their losses, and urges all parties to fulfil their agreements to this end;

"12. Condemns in particular the violations of human rights and humanitarian law in connection with detention, including killings, torture and the systematic practice of rape, and urges the immediate, internationally supervised release of all persons arbitrarily or illegally detained in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) and the immediate closure of all detention facilities not in compliance with the Geneva Conventions of 12 August 1949;

"13. Urges all parties to immediately notify the International Committee of the Red Cross of the locations of all camps, prisons and other places of detention within Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and that the International Committee of the Red Cross, the Special Rapporteur and his staff, the United Nations High Commissioner for Refugees, the monitoring and other missions of the European Union and the Conference on Security and Cooperation in Europe and other relevant international and regional organizations be granted immediate, unimpeded and continued access to such places of detention;

"14. Expresses its grave concern at the deteriorating human rights situation in Serbia, particularly in Kosovo, as described in the Report of the Special Rapporteur, and condemns the violations of human rights occurring there, including:

"(a) Police brutality against ethnic Albanians, arbitrary searches, seizures and arrests, torture and ill-treatment during detention and discrimination in the administration of justice, which leads to a climate of lawlessness in which criminal acts, particularly against ethnic Albanians, take place with impunity;

"(b) The discriminatory removal of ethnic Albanian officials, especially from the police and judiciary, the mass dismissal of ethnic Albanians from professional, administrative and other skilled positions in State-owned enterprises and public institutions, including teachers from the Serb-run school system, and the closure of Albanian high schools and universities;

"(c) Arbitrary imprisonment of ethnic Albanian journalists, the closure of Albanian-language mass media and the discriminatory removal of ethnic Albanian staff from local radio and television stations;

"(d) Repression by the Serbian police and military;

"15. Strongly condemns the measures and practices of discrimination and the violations of the human rights of the ethnic Albanians of Kosovo, as well as the large-scale repression, committed by the Serbian authorities;

"16. Urges that the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro):

"(a) Take all necessary measures to bring to an immediate end the human rights violations inflicted on the Albanian population of Kosovo, including, in particular, the discriminatory measures and practices, as well as the summary executions, arbitrary detention and the use of torture and other cruel, inhuman or degrading treatment;

"(b) Revoke all discriminatory legislation, in particular that which has entered into force after 1989;

"(c) Re-establish the democratic institutions of Kosovo, including the Parliament and the judiciary;

"17. Urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect the human rights and fundamental freedoms of ethnic Albanians in Kosovo, and expresses its view that the best means to safeguard human rights in Kosovo is to restore its autonomy;

"18. Expresses its grave concern at the report by the Special Rapporteur of violations of human rights occurring in Sandjak and Vojvodina, particularly acts of physical harassment, abductions, the burning of homes, warrantless searches, confiscation of property and other discriminatory practices in favour of the Serbian population, which are intended to change the ethnic structure of those areas;

"19. Calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to reconsider their refusal to allow the continuation of the activities of the missions of the Conference on Security and Cooperation in Europe in Kosovo, Sandjak and Vojvodina and to cooperate with the Conference on Security and Cooperation in Europe by taking the practical steps for the resumption of the activities of these missions as called for by the Security Council in its resolution 855 (1993) in order to prevent the extension of the conflict of those areas;

"20. Reaffirms that all parties to the conflict in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) share the responsibility for finding a peaceful solution through negotiations under the auspices of the International Conference on the Former Yugoslavia, and calls upon the parties to implement immediately all commitments made in the framework of the International Conference on the Former Yugoslavia and to reach a just and durable solution as soon as possible;

"21. Urges all United Nations bodies, including the United Nations Protection Force, the United Nations human rights treaty bodies and the specialized agencies, and Governments and informed intergovernmental and non-governmental organizations to cooperate fully with the Special Rapporteur, and in particular to provide him on a continuing basis with all relevant and accurate information in their possession on the situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

"22. Urges all States and relevant organizations to consider implementation of the recommendations of the Special Rapporteur and his recent reports, and in particular:

"(a) Welcomes the Special Rapporteur's call for the opening of humanitarian relief corridors to prevent the imminent death of tens of thousands of persons, especially in view of the lack of access to many areas in the face of the coming winter;

"(b) Supports the Special Rapporteur's call for the immediate release of detainees into conditions of safety;

"(c) Draws the attention of the international community to the need for an effective response to counter the policy of 'ethnic cleansing' perpetrated by all sides to the conflict, particularly the Bosnian Serb forces, who have used such tactics as a matter of policy, and Bosnian Croat forces;

"(d) Supports the request of the Special Rapporteur to the Croatian authorities to take action against those who have committed human rights violations and contravened international humanitarian standards in the Medak Pocket and to take steps to punish those responsible to prevent such incidents in the future;

"(e) Welcomes the announcement by all parties, after their meeting on 18 November 1993 with the United Nations High Commissioner for Refugees, that they will allow humanitarian convoys to get through, and urges them to live up to this undertaking;

"23. Urges the Secretary-General to take all necessary steps to ensure the full and effective coordination of all United Nations bodies to implement the present resolution, and urges those bodies concerned with the situation in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to coordinate closely with the Special Rapporteur and the Tribunal;

"24. Also urges the Secretary-General, within the overall budgetary framework of the United Nations, to make all necessary resources available for the Special Rapporteur to carry out his mandate and in particular to provide him with adequate staff based in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to ensure effective continuous monitoring of the human rights

situation there and coordination with other United Nations bodies involved, including the United Nations Protection Force;

"25. Requests the Secretary-General to give all other necessary assistance to the Special Rapporteur to enable him to fulfil his mandate;

"26. Calls upon the States concerned to cooperate fully with the Special Rapporteur in order to enable him to fulfil his mandate;

"27. Recommends that the Chief Prosecutor consider the appointment to his office of experts in the prosecution of crimes of sexual violence;

"28. Calls upon States to contribute such experts to the Chief Prosecutor and the Tribunal;

"29. Decides to continue its examination of the situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) at its forty-ninth session under the item entitled 'Human rights questions'."

59. At its 55th meeting, on 8 December, the Committee had before it a revised draft resolution (A/C.3/48/L.74/Rev.1), submitted by the United States of America on behalf of Afghanistan, Albania, Andorra, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Costa Rica, the Czech Republic, Denmark, Djibouti, Egypt, Finland, France, Georgia, Germany, Hungary, Iceland, Indonesia, Ireland, the Islamic Republic of Iran, Italy, Japan, Kuwait, Liechtenstein, Luxembourg, Malaysia, the Marshall Islands, Morocco, the Netherlands, New Zealand, Norway, Pakistan, Papua New Guinea, Poland, Portugal, Samoa, Saudi Arabia, Senegal, Sierra Leone, Spain, the Sudan, Sweden, Tunisia, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yemen.

60. At the same meeting, the Secretary of the Committee orally corrected the revised draft resolution, as follows:

(a) The title was revised to read: "Situation of human rights in the territory of the former Yugoslavia: violations of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)";

(b) In operative paragraph 3, the word "Federal" before the word "Republic" was deleted;

(c) In operative paragraph 17, the word "Serbia" was replaced with the words "the Federal Republic of Yugoslavia (Serbia and Montenegro)";

(d) In operative paragraph 33, the words "the situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)" were replaced with the words "this question".

61. The Committee had before it a statement of the programme budget implications of draft resolution A/C.3/48/L.74/Rev.1, submitted by the

Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.3/48/L.81).

62. At the same meeting, the Committee adopted revised draft resolution A/C.3/48/L.74/Rev.1, as orally corrected, without a vote (see para. 67, draft resolution XII).

63. After the adoption of the draft resolution, the representatives of Slovenia, the Russian Federation and the Philippines made statements (see A/C.3/48/SR.55).

M. Draft resolution A/C.3/48/L.75

64. At its 51st meeting, on 3 December, the representative of Australia, on behalf of Australia, Austria, Cambodia, Cameroon, France, Indonesia, Japan, the Netherlands, the Russian Federation, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in Cambodia" (A/C.3/48/L.75). Subsequently, Canada, New Zealand and Uruguay joined in sponsoring the draft resolution.

65. In introducing the draft resolution, the representative of Australia orally revised it as follows:

(a) In the fifth preambular paragraph, the words "article 5 of part III of the Paris Agreements" were replaced by the words "the Paris Agreements";

(b) In operative paragraph 4, the words "from within existing resources" were inserted after the words "necessary resources".

66. At its 53rd meeting, on 6 December, the Committee adopted draft resolution A/C.3/48/L.75, as orally revised, without a vote (see para. 67, draft resolution XIII).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

67. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Situation of human rights in Cuba

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the

United Nations and elaborated in the Universal Declaration of Human Rights, 46/ the International Covenants on Human Rights 47/ and other applicable human rights instruments,

Reaffirming also that all Member States have an obligation to fulfil the commitments they have freely undertaken under the various international instruments,

Taking particular note of Commission on Human Rights resolution 1993/63 of 10 March 1993, 48/ in which the Commission recognized with deep appreciation the efforts of the Secretary-General and of the Special Rapporteur to carry out their mandate concerning the situation of human rights in Cuba,

Noting concern about ongoing reports of serious violations of human rights in Cuba, as outlined in the interim report on the situation of human rights in Cuba 49/ presented to the General Assembly by the Special Rapporteur on Cuba,

Recalling the failure of the Government of Cuba to cooperate with the Commission on Human Rights with regard to its resolution 1992/61 of 3 March 1992 50/ by refusing to permit the Special Representative to visit Cuba, and its response, as cited in appendix II to the 1993 interim report of the Special Rapporteur, 49/ in which Cuba stated "we emphatically reject resolution 1992/61 and, accordingly, we cannot cocperate in its implementation in any way",

1. Commends the Special Rapporteur of the Commission on Human Rights for his interim report on the situation of human rights in Cuba; 49/

2. Expresses its full support for the work of the Special Rapporteur on Cuba;

3. Calls upon the Government of Cuba to cooperate fully with the Special Rapporteur on Cuba by permitting him full and free access to establish contact with the Government and the citizens of Cuba so that he may fulfil the mandate entrusted to him;

4. Regrets profoundly the numerous uncontested reports of violations of basic human rights and fundamental freedoms that are described in the report of

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46/ Resolution 217 A (III).

47/ Resolution 2200 A (XXI), annex.

48/ See Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

49/ A/48/562.

50/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

the Special Rapporteur to the Commission on Human Rights 51/ and in his interim report; 49/

5. Calls upon the Government of Cuba to adopt measures proposed by the Special Rapporteur to ratify international human rights instruments; to cease the persecution and punishment of citizens for reasons related to freedom of expression and peaceful association; to permit legalization of independent groups; to respect guarantees of due process; to permit access to the prisons by national independent groups and international humanitarian agencies; to review sentences for crimes of a political nature; and to cease retaliatory measures towards those seeking permission to leave the country;

6. Decides to continue its consideration of this question at its forty-ninth session.

DRAFT RESOLUTION II

Rape and abuse of women in the areas of armed conflict in the former Yugoslavia

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 52/ the International Covenants on Human Rights, 53/ the International Convention on the Elimination of All Forms of Racial Discrimination, 54/ the Convention on the Prevention and Punishment of the Crime of Genocide, 55/ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 56/ the Convention on the Elimination of All Forms of Discrimination against Women, 57/ the Convention on the Rights of the Child 58/ and other instruments of

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51/ E/CN.4/1993/39.

52/ Resolution 217 A (III).

53/ Resolution 2200 A (XXI), annex.

54/ Resolution 2106 A (XX), annex.

55/ Resolution 260 A (III).

56/ Resolution 39/46, annex.

57/ Resolution 34/180, annex.

58/ Resolution 44/25, annex.

international humanitarian law, including the Geneva Conventions of 12 August 1949 59/ and the Additional Protocols thereto of 1977, 60/

Recalling its resolution 3074 (XXVIII) of 3 December 1973, entitled "Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity",

Recalling Commission on Human Rights resolution 1993/8 of 23 February 1993, entitled "Rape and abuse of women in the territory of the former Yugoslavia",

Appalled at the recurring and substantiated reports of widespread rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia, in particular its systematic use against the Muslim women and children in Bosnia and Herzegovina by Serbian forces,

Reaffirming the relevant Security Council resolutions, in particular resolution 798 (1992) of 18 December 1992 in which, inter alia, the Council strongly condemned those acts of unspeakable brutality,

Convinced that this heinous practice constitutes a deliberate weapon of war in fulfilling the policy of ethnic cleansing carried out by Serbian forces in Bosnia and Herzegovina, and noting General Assembly resolution 47/121 of 18 December 1992, in which the Assembly stated, inter alia, that the abhorrent policy of ethnic cleansing was a form of genocide,

Welcoming the initiatives taken by the Special Rapporteur on the situation of human rights in the former Yugoslavia, particularly his prompt dispatch of a team of experts to the former Yugoslavia to investigate the allegations of rape and abuse of women,

Welcoming also the initiative of the European Council on the rapid dispatch of a mission to investigate the treatment of Muslim women in the former Yugoslavia, and the delegation's report, 61/

Noting with deep concern the findings of the team of experts dispatched by the Special Rapporteur, 62/ and those of the mission dispatched by the European Council,

Welcoming the establishment of an International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1992, in pursuance of Security Council resolutions 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993,

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59/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

60/ United Nations, Treaty Series, vol. 1125, No. 17512.

61/ E/CN.4/1993/92.

62/ E/CN.4/1993/50, annex II.

Noting with deep concern the reports on the findings of the Special Rapporteur 63/ and the Secretary-General, assisted by the staff of the Special Rapporteur, 64/ regarding rape and abuse of women in the territory of the former Yugoslavia, particularly Bosnia and Herzegovina,

Deeply alarmed at the situation facing victims of rape in the conflicts in different parts of the world, in particular in the Republic of Bosnia and Herzegovina, and the continuing use of rape as a weapon of war,

Desirous of ensuring that persons accused of upholding and perpetrating rape and sexual violence as a weapon of war in the areas of armed conflict in the former Yugoslavia will be brought to justice by the International Tribunal where appropriate,

Recognizing the extraordinary suffering of the victims of rape and sexual violence and the necessity for an appropriate response to provide assistance to those victims,

Taking into account resolution 37/7 of 25 March 1993 of the Commission on the Status of Women,

Noting with appreciation the work of humanitarian organizations aimed at supporting the victims of rape and abuse and alleviating their suffering,

1. Strongly condemns the abhorrent practice of rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia which constitutes a war crime;

2. Expresses its outrage that the systematic practice of rape is being used as a weapon of war and an instrument of ethnic cleansing against the women and children in the areas of armed conflict in the former Yugoslavia, in particular against Muslim women and children in Bosnia and Herzegovina;

3. Demands that those involved immediately cease those outrageous acts, which are in gross violation of international humanitarian law, including the Geneva Conventions of 1949 59/ and the Additional Protocols thereto of 1977, 60/ and take immediate action to ensure the enjoyment of human rights and fundamental freedoms in accordance with their obligations under those instruments and other applicable international human rights instruments;

4. Urges all States Members of the United Nations to take joint and separate action, in cooperation with the United Nations, to bring about an end to that despicable practice;

5. Reaffirms that all persons who perpetrate or authorize crimes against humanity and other violations of international humanitarian law are individually responsible for those violations, and that those in positions of authority who

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63/ E/CN.4/1994/47.

64/ E/CN.4/1994/5.

have failed adequately to ensure that persons under their control comply with the relevant international instruments are accountable together with the perpetrators;

6. Urges States Members of the United Nations to exert every effort to bring to justice, in accordance with international recognized principles of due process, all those individuals directly or indirectly involved in those outrageous international crimes;

7. Commends the Special Rapporteur for his report on the situation of human rights in the territory of the former Yugoslavia; 63/

8. Urges all States and all relevant intergovernmental and non-governmental organizations, including the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the World Health Organization, to provide to the victims of such rape and abuse appropriate assistance for their physical and mental rehabilitation;

9. Invites the Commission on Human Rights to request the Special Rapporteur to continue investigation into the rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia, in particular in Bosnia and Herzegovina;

10. Declares that rape is a heinous crime and encourages the International Tribunal to give due priority to the cases of the victims of rape in the areas of armed conflict in the former Yugoslavia, in particular in the Republic of Bosnia and Herzegovina;

11. Requests the Secretary-General to provide such necessary means as are available to him in the area to enable any future missions to have free and secure access to places of detention;

12. Also requests the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly not later than 31 January 1994;

13. Decides to continue the consideration of this question at its forty-ninth session.

DRAFT RESOLUTION III

Situation of human rights in Iraq

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 65/ and the International Covenants on Human Rights, 66/

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights,

Recalling its resolution 47/145 of 18 December 1992, in which it expressed its deep concern at flagrant violations of human rights by the Government of Iraq,

Recalling also Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and ensure that the human and political rights of all Iraqi citizens are respected,

Recalling in particular Commission on Human Rights resolution 1991/74 of 6 March 1991, by which the Commission requested its Chairman to appoint a special rapporteur to make a thorough study of the violations of human rights by the Government of Iraq, based on all information the Special Rapporteur might deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq,

Recalling the pertinent resolutions of the Commission on Human Rights condemning the flagrant violations of human rights by the Government of Iraq, including its most recent resolution, 1993/74 of 10 March 1993, by which the Commission extended the mandate of the Special Rapporteur for a further year and asked him to submit an interim report to the General Assembly at its forty-eighth session and a final report to the Commission at its fiftieth session,

Recalling also Security Council resolutions 687 (1991) of 3 April 1991, 706 (1991) of 15 August 1991, 712 (1991) of 19 September 1991 and 778 (1992) of 2 October 1992,

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65/ Resolution 217 A (III).

66/ Resolution 2200 A (XXI), annex.

Deeply concerned by the massive and grave violations of human rights by the Government of Iraq, such as summary and arbitrary executions, torture and other cruel, inhuman or degrading treatment, enforced or involuntary disappearances, arbitrary arrests and detention, lack of due process and the rule of law and of freedom of thought, of expression, of association and of access to food and health care,

Deeply concerned also at the fact that chemical weapons have been used on the Iraqi civilian population, by the forced displacement of hundreds of thousands of Iraqi civilians and by the destruction of Iraqi towns and villages, as well as by the fact that tens of thousands of displaced Kurds have had to take refuge in camps and shelters in the north of Iraq,

Deeply concerned further at the increasingly severe and grave violations of human rights by the Government of Iraq against the civilian population in southern Iraq, in particular in the southern marshes, many of whom have sought refuge on the border between Iraq and the Islamic Republic of Iran,

Expressing concern, in particular, at the fact that there are no signs of improvement in the general situation of human rights in Iraq, and, therefore, welcoming the decision to deploy a team of human rights monitors to such locations as would facilitate improved information flows and assessment and would help in the independent verification of reports on the situation of human rights in Iraq,

Regretting that the Government of Iraq has not seen fit to respond to requests for a visit of the Special Rapporteur on the situation of human rights in Iraq and noting that, despite the formal cooperation extended to the Special Rapporteur by the Government of Iraq, such cooperation needs to be substantially improved, in particular by giving full replies to the inquiries of the Special Rapporteur about acts being committed by the Government of Iraq that are incompatible with the international human rights instruments that are binding on that country,

1. Takes note with appreciation of the interim report on the situation of human rights in Iraq 67/ submitted by the Special Rapporteur of the Commission on Human Rights and the observations, conclusions and recommendations contained therein;

2. Expresses its strong condemnation of the massive violations of human rights of the gravest nature, for which the Government of Iraq is responsible and to which the Special Rapporteur has referred in his recent reports, in particular:

(a) Summary and arbitrary executions, orchestrated mass executions and burials, extrajudicial killings, including political killings, in particular in the northern region of Iraq, in southern Shiah centres and in the southern marshes;

67/ A/48/600.

(b) The widespread routine practice of systematic torture in its most cruel forms;

(c) Enforced or involuntary disappearances, routinely practised arbitrary arrest and detention, including arrest and detention of women, the elderly and children, and consistent and routine failure to respect due process and the rule of law;

(d) Suppression of freedom of thought, expression and association and violations of property rights;

(e) The unwillingness of the Government of Iraq to honour its responsibilities in respect of the economic rights of the population;

3. Deplores Iraq's refusal to cooperate in the implementation of Security Council resolutions 706 (1991) and 712 (1991) and its failure to provide the Iraqi population with access to adequate food and health care;

4. Calls upon the Government of Iraq to release immediately all persons arbitrarily arrested and detained, including Kuwaitis and nationals of other States;

5. Calls once again upon Iraq, as a State party to the International Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights, to abide by its obligations freely undertaken under the Covenants and under other international instruments on human rights and, particularly, to respect and ensure the rights of all individuals irrespective of their origin within its territory and subject to its jurisdiction;

6. Recognizes the importance of the work of the United Nations in providing humanitarian relief to the people of Iraq, and calls upon Iraq to allow unhindered access of the United Nations humanitarian agencies throughout the country, including ensuring the safety of United Nations personnel and humanitarian workers, inter alia through the continued implementation of the Memorandum of Understanding signed by the United Nations and the Government of Iraq;

7. Expresses special alarm at the repressive practices directed against the Kurds, which continue to have an impact on the lives of the Iraqi people as a whole;

8. Also expresses special alarm at the resurgence of grave violations of human rights in southern Iraq, which is the result of a preconceived policy against the marsh Arabs in particular, many of whom have sought refuge outside the country;

9. Welcomes the sending of human rights monitors to the border between Iraq and the Islamic Republic of Iran, and calls upon the Government of Iraq to allow immediate and unconditional stationing of human rights monitors throughout the country, especially the southern marsh area;

10. Further expresses its special alarm at all internal embargoes, which permit essentially no exceptions for humanitarian needs and which prevent the equitable enjoyment of basic foodstuffs and medical supplies, and calls upon the Government of Iraq, which has sole responsibility in this regard, to remove them and to take steps to cooperate with international humanitarian agencies in the provision of relief to those in need throughout Iraq;

11. Urges once more the Government of Iraq to set up an independent commission of inquiry to look into the fate of tens of thousands of persons who have disappeared;

12. Regrets the failure of the Government of Iraq to provide satisfactory replies concerning the violations of human rights brought to the attention of the Special Rapporteur, and calls upon the Government fully to cooperate and to reply without delay in a comprehensive and detailed manner so as to enable the Special Rapporteur to formulate the appropriate recommendations to improve the situation of human rights in Iraq;

13. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate;

14. Decides to continue its consideration of the situation of human rights in Iraq during its forty-ninth session under the item entitled "Human rights questions" in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

DRAFT RESOLUTION IV

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 68/ and the International Covenants on Human Rights, 69/

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling its relevant resolutions, including the most recent, resolution 47/146 of 18 December 1992, as well as those of the Commission on Human Rights, including the most recent, resolution 1993/62 of 10 March 1993, and those of the Subcommission on Prevention of Discrimination and Protection of Minorities, including the most recent, resolution 1993/14 of 20 August 1993,

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68/ Resolution 217 A (III).

69/ Resolution 2200 A (XXI), annex.

Noting that the Government of the Islamic Republic of Iran has responded to the request of the Special Representative of the Commission on Human Rights for information concerning allegations of human rights violations in that country but did not allow him to pay a fourth visit to the country so that he might obtain direct and first-hand information on the current human rights situation there,

Reaffirming that Governments are accountable for assassinations and attacks by their agents against persons on the territory of another State, as well as for the incitement, approval or wilful condoning of such acts,

Noting the observation of the Special Representative that there is enough evidence to show that it is entirely proper for the human rights situation in the Islamic Republic of Iran to remain under international scrutiny,

Noting also that the Subcommission on Prevention of Discrimination and Protection of Minorities, in its resolution 1993/14, has condemned the continuing flagrant violations of human rights in the Islamic Republic of Iran,

Noting further the concluding observations of the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights on the human rights situation in the Islamic Republic of Iran,

1. Takes note with appreciation of the interim report of the Special Representative of the Commission on Human Rights 70/ and the considerations and observations contained therein;

2. Expresses its deep concern at continuing reports of violations of human rights in the Islamic Republic of Iran;

3. Expresses its concern more specifically at the main criticisms of the Special Representative with regard to the human rights situation in the Islamic Republic of Iran, namely, the high number of executions, cases of torture and cruel, inhuman or degrading treatment or punishment, the standard of the administration of justice, the absence of guarantees of due process of law, discriminatory treatment of certain groups of citizens for reason of their religious beliefs, notably the Baha'is, whose existence as a viable religious community is threatened, and restrictions on the freedom of expression, thought, opinion and the press, and that, as noted by the Special Representative, there is continued discrimination against women;

4. Expresses its grave concern at the continued use of the death penalty, which the Special Representative has described as excessive;

5. Also expresses its grave concern that there are continuing threats to the life of a citizen of another State which appear to have the support of the Government of the Islamic Republic of Iran and whose case is mentioned in the

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70/ A/48/526.

report of the Special Representative, as well as to individuals associated with his work;

6. Urges the Government of the Islamic Republic of Iran to refrain from activities such as those mentioned in the report of the Special Representative against members of the Iranian opposition living abroad;

7. Regrets that the Government of the Islamic Republic of Iran has still not permitted the Special Representative to visit the country in order to enable him fully to discharge his mandate by according him full cooperation;

8. Urges the Government of the Islamic Republic of Iran to implement existing agreements with international humanitarian organizations;

9. Calls upon the Government of the Islamic Republic of Iran to intensify its efforts to investigate and rectify the human rights issues raised by the Special Representative in his considerations and observations, in particular as regards the administration of justice and due process of law;

10. Also calls upon the Government of the Islamic Republic of Iran to comply with international instruments on human rights, in particular the International Covenant on Civil and Political Rights, 71/ to which the Islamic Republic of Iran is a party, and to ensure that all individuals within its territory and subject to its jurisdiction, including religious groups, enjoy the rights recognized in those instruments;

11. Endorses the view of the Special Representative that the international monitoring of the human rights situation in the Islamic Republic of Iran should be continued;

12. Calls upon the Government of the Islamic Republic of Iran to cooperate fully with the Special Representative;

13. Requests the Secretary-General to give all necessary assistance to the Special Representative;

14. Decides to continue the examination of the situation of human rights in the Islamic Republic of Iran including the situation of minority groups, such as the Baha'is, during its forty-ninth session, under the item entitled "Human rights questions" in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

71/ See resolution 2200 A (XXI), annex.

DRAFT RESOLUTION V

Situation of human rights in Somalia

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the International Bill of Human Rights 72/ and other applicable human rights instruments,

Gravely concerned by the situation in Somalia, including the extensive damage and destruction of villages, towns and cities, the heavy damage inflicted by the civil conflict on the country's infrastructure and the still widespread disruption of many public facilities and services and the lack of a governmental authority to ensure even basic human rights,

Deploring the loss of human life in Somalia, and attacks against United Nations personnel and personnel of other humanitarian organizations in Somalia, sometimes resulting in serious injuries or deaths,

Recalling Security Council resolution 733 (1992) of 21 January 1992 and all subsequent relevant Security Council resolutions, General Assembly resolution 47/167 of 18 December 1992, and Commission on Human Rights resolution 1993/86 of 10 March 1993,

Commending the ongoing efforts in Somalia of the United Nations, the specialized agencies of the United Nations system, humanitarian organizations, non-governmental organizations, countries in the region and regional organizations,

Noting with appreciation the report of the Independent Expert dated 26 October 1993, 73/

1. Commends the Independent Expert for his report on the situation of human rights in Somalia, in which he cited an increase in human rights violations fuelled by the absence of an accountable government and the lack of infrastructure;

2. Urges all Somali parties in the conflict to confirm their commitment to the Addis Ababa agreement of 27 March 1993;

3. Also urges all Somalis to work together towards peace and security in Somalia and to guarantee the protection of all human rights and fundamental freedoms for all Somalis;

4. Calls upon all parties to protect civilians, United Nations personnel and humanitarian relief workers from being killed, tortured or arbitrarily detained;

72/ See resolutions 217 A (III) and 2200 A (XXI), annex.

73/ A/48/510.

5. Requests that, following the restoration of political stability and security in Somalia, the Commission on Human Rights, in accordance with the Charter of the United Nations, consider establishing a group of independent human rights monitors, funded from within existing United Nations resources, to receive complaints and collect and investigate reports of violations of human rights and to transmit them, where appropriate, to the United Nations Centre for Human Rights, in an effort to prevent human rights violations;

6. Decides to continue its consideration of this question at its forty-ninth session.

DRAFT RESOLUTION VI

Situation of human rights in the Sudan

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, 74/ the International Covenants on Human Rights, 75/ and the International Convention on the Elimination of All Forms of Racial Discrimination, 76/

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to comply with the obligations laid down in the various instruments in this field,

Recalling resolution AHG/Res.213 (XXVIII) on the strengthening of cooperation and coordination among African States, adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-eighth ordinary session, held at Dakar from 29 June to 1 July 1992, 77/ and recalling the Addis Ababa agreement of July 1990, 78/

Noting with deep concern reports of grave human rights violations in the Sudan, particularly summary executions, detentions without trial, forced displacement of persons and torture, described in part in the reports submitted to the Commission on Human Rights at its forty-ninth session by the Special Rapporteurs on torture and on summary or arbitrary executions,

Disturbed by the failure of the Government to provide for a full impartial investigation of the killings of Sudanese nationals employees of foreign

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74/ Resolution 217 A (III), annex.

75/ Resolution 2200 A (XXI), annex.

76/ Resolution 2106 A (XX), annex.

77/ See A/47/558, annex II.

78/ See A/45/482, annex II.

government relief organizations, despite the announcement by the Government of the Sudan of its intention to convene an independent judicial inquiry commission,

Concerned over the reported attack on 12 November 1992 by aeroplanes of the Government of the Sudan on an airstrip in Thiet that resulted in injuries to three relief workers, and further concerned by the reported bombing of civilian areas in Loa and Pageri that may have resulted in deaths or injuries,

Deeply concerned that access by the civilian population to humanitarian assistance is being impeded, which represents a threat to human life and an offence to human dignity, but welcoming the continuing dialogue between the Government of the Sudan and other parties, donor Governments and international private voluntary agencies regarding delivery of humanitarian aid, and expressing the hope that such dialogue will result in improved cooperation for the delivery of humanitarian assistance,

Alarmed by the large number of internally displaced persons and victims of discrimination in the Sudan, including members of minorities who have been forcibly displaced in violation of their human rights and who are in need of relief assistance and of protection,

Alarmed also by the mass exodus of refugees into neighbouring countries, and conscious of the burden that this places on those countries, but expressing its appreciation for the continuing efforts to assist them, thereby easing the burden on host countries,

Emphasizing that it is essential to put an end to the serious deterioration of the human rights situation in the Sudan, including that in the Nuba Mountains,

Recognizing the fact that the Sudan has been hosting large numbers of refugees from several neighbouring countries over the last three decades,

Welcoming the efforts of the United Nations and other humanitarian organizations to provide humanitarian relief to those Sudanese in need,

Noting with appreciation the efforts of the Special Rapporteur, and commending him for his interim report on the human rights situation in the Sudan, 79/

1. Expresses its deep concern at the continuing and serious human rights violations in the Sudan, including summary executions, detentions without due process, forced displacement of persons and torture;

2. Takes note of paragraph 24 of the report of the Special Rapporteur for the Sudan in which he stated that the Government of the Sudan had cooperated with the Special Rapporteur by arranging the meetings he had requested and further facilitated visits to the locations he had wished to see;

79/ A/48/601, annex.

3. Notes with concern the reprisals taken by the Government of the Sudan against those who contacted or attempted to contact the Special Rapporteur for the Sudan;

4. Urges the Government of the Sudan to respect fully human rights, and calls upon all parties to cooperate in order to ensure such respect;

5. Calls upon the Government of the Sudan to comply with applicable international human rights instruments, in particular the International Covenants on Human Rights 75/ and the Convention on the Elimination of All Forms of Racial Discrimination, 76/ to which the Sudan is a party, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy the rights recognized in those instruments;

6. Calls upon all parties to the hostilities to respect fully the applicable provisions of international humanitarian law including article 3 common to the Geneva Conventions of 1949, 80/ and the Additional Protocols thereto of 1977, 81/ to halt the use of weapons against the civilian population, to protect all civilians from violations, including arbitrary detention, ill-treatment, torture and summary execution;

7. Expresses its appreciation to the humanitarian organizations for their work in helping displaced persons and drought and conflict victims in the Sudan, and calls upon all parties to protect humanitarian relief workers;

8. Calls upon the Special Rapporteur on summary or arbitrary executions again to address the killing of Sudanese national employees of foreign government relief organizations;

9. Calls upon the Government of the Sudan to explain fully the actions to obstruct the efforts of the Special Rapporteur for the Sudan, especially the ill-treatment afforded those who contacted or attempted to contact him;

10. Also calls upon the Government of the Sudan to ensure a full, thorough and prompt investigation by the independent judicial inquiry commission of the killings of Sudanese nationals employees of foreign government relief organizations, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims;

11. Further calls upon the Government of the Sudan to investigate and explain without delay the circumstances behind the air attacks on 12 and 23 November 1993;

12. Strongly urges all parties to the hostilities to redouble their efforts to negotiate an equitable solution to the civil conflict to ensure respect for the human rights and fundamental freedoms of the Sudanese people,

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80/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

81/ Ibid., vol. 1125, Nos. 17512 and 17513.

thereby creating the necessary conditions to end the exodus of Sudanese refugees to neighbouring countries and facilitating their early return to the Sudan, and welcomes efforts to facilitate dialogue among the parties to that end;

13. Notes with appreciation, in this connection, the current regional efforts of the heads of State of the Intergovernmental Authority on Drought and Development (Kenya, Uganda, Ethiopia and Eritrea) to assist parties to the conflict in the Sudan to reach a peaceful settlement;

14. Calls upon the Government of the Sudan and other parties to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population and to cooperate with the recent initiatives of the Department of Humanitarian Affairs of the Secretariat to deliver humanitarian assistance to all persons in need;

15. Recommends that the serious human rights situation in the Sudan be monitored, and invites the Commission on Human Rights at its fiftieth session to give urgent attention to the situation of human rights in the Sudan;

16. Decides to continue its consideration of this question at its forty-ninth session.

DRAFT RESOLUTION VII

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Reaffirming once more the permanent validity of the principles and standards set forth in the basic instruments regarding the international protection of human rights, in particular in the Universal Declaration of Human Rights, 82/ the International Covenants of Human Rights, 83/ the International Convention on the Elimination of All Forms of Racial Discrimination, 84/ the Convention on the Elimination of All Forms of Discrimination against Women 85/ and the Convention on the Rights of the Child, 86/

82/ Resolution 217 A (III).

83/ See resolution 2200 A (XXI), annex.

84/ Resolution 2106 A (XX), annex.

85/ Resolution 34/180, annex.

86/ Resolution 44/25, annex.

Bearing in mind the principles and standards established within the framework of the International Labour Organization and the importance of the task carried out in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and to ensure the human rights and dignity of all migrant workers and members of their families,

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights held at Vienna from 14 to 25 June 1993, 87/ urged all States to guarantee the protection of the human rights of all migrant workers and their families,

Underlining the importance of the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside,

Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that the Vienna Declaration and Programme of Action invite States to consider the possibility of signing and ratifying the Convention at the earliest possible time,

Taking into account the invitation made in the Vienna Declaration and Programme of Action,

Recalling that the General Assembly, in its resolution 47/110 of 16 December 1992, requested the Secretary-General to submit to the Assembly at its forty-eighth session a report on the status of the Convention,

1. Takes note of the report of the Secretary-General 88/ on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

2. Welcomes the signature, ratification or accession by some Member States to the Convention;

87/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

88/ A/48/471.

3. Calls upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;

4. Requests the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention, through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

5. Invites the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

6. Requests the Secretary-General to submit to the General Assembly at its forty-ninth session a report on the status of the Convention;

7. Decides to consider the report of the Secretary-General at its forty-ninth session under the sub-item entitled "Implementation of human rights instruments".

DRAFT RESOLUTION VIII

Situation of human rights in El Salvador

The General Assembly,

Guided by the international human rights instruments,

Recalling its resolution 47/140 of 18 December 1992, as well as Commission on Human Rights resolution 1993/93 of 10 March 1993 89 and the statement of 20 August 1993 by the Chairman of the Subcommission on Prevention of Discrimination and Protection of Minorities on support for the peace process in El Salvador and also Security Council resolution 888 (1993) of 30 November 1993

Taking into account the reports of the Secretary-General and the Director of the Human Rights Division of the United Nations Observer Mission in El Salvador,

Convinced that full and speedy implementation of the outstanding commitments of the Peace Accords is necessary in order to guarantee full respect for human rights and the consolidation of the reconciliation and democratization process under way in El Salvador,

Welcoming the fact that most of the agreements have already been put into effect by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional,

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89/ See Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

Concerned none the less that problems persist and that there are continuing delays in the implementation of several important Peace Agreements referred to in Security Council resolution 832 (1993) of 27 May 1993, and that there have also been some irregularities in the implementation of the agreements relating to public security,

Noting with concern the recent acts of violence in El Salvador, which may indicate renewed activity by illegal armed groups, and could, if unchecked, negatively affect the peace process in El Salvador including the elections scheduled for March 1994,

Noting also with concern the seemingly politically motivated murders of and threats against members of the different political parties, including the Frente Farabundo Martí para la Liberación Nacional and the Alianza Republicana Nacionalista,

Welcoming in this regard the efforts of the Secretary-General in cooperation with the Government of El Salvador towards the establishment of a mechanism to investigate illegal armed groups and their possible connection with renewed political violence,

Noting that El Salvador has entered a decisive phase in the peace process and that political parties have just begun a campaign for the elections to be held in March 1994, which should take place in a peaceful environment,

Taking note of the importance of having adopted reforms of the judicial system, as well as of the need to adopt both the reforms which are in the process of being approved and the reforms recommended by the Commission on the Truth, which are designed to contribute to the elimination of the existing impunity and consequently to the full attainment of the rule of law,

Recalling the role that the Office of the National Counsel for the Defence of Human Rights is called upon to play in the promotion and protection of human rights,

Considering that the international community must follow closely and continue to support all efforts to consolidate peace, ensure full respect for human rights and undertake the reconstruction of El Salvador,

1. Commends the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional for having fulfilled most of their commitments and for having overcome a number of obstacles to the implementation of the agreements;

2. Expresses its concern that there are important elements of the agreements that have been only partially implemented, and therefore calls upon the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to step up their efforts to complete as agreed, by the proposed dates, the programme for the transfer of land, the reintegration programme for ex-combatants, the deployment of the National Civil Police and the phasing-out of the National Police, as well as the collection of weapons issued for the

exclusive use of personnel of the Armed Forces and the adoption of the Act on Private Security Services;

3. Condemns the recent acts of violence that may be politically motivated, which have been repudiated by the various sectors of Salvadorian society, and considers it inadmissible that such acts, perpetrated by a small minority, should jeopardize the progress made in implementing the agreements and hamper the holding of free elections in March 1994;

4. Supports, in this context, the efforts of the Secretary-General, in cooperation with the Government of El Salvador, to initiate immediately an impartial, independent and credible investigation of illegal armed groups, as recommended by the Commission on the Truth, and urges all sectors of society in El Salvador to cooperate with such an investigation;

5. Notes with satisfaction the statement of 5 November 1993, entitled "Commitment of the presidential candidates to peace and stability in El Salvador", in which the candidates inter alia solemnly committed themselves to maintain the constructive evolution of the peace process and to implement all the commitments contained in the Peace Accords and rejected any politically motivated violence or intimidation;

6. Calls upon all Governments to contribute to the consolidation of peace and the attainment of full respect for human rights in El Salvador by supporting full compliance with the Peace Accords;

7. Reiterates its gratitude for the important work being carried out by the Secretary-General and his representative and by the United Nations Observer Mission in El Salvador, and extends to them its support so that they can continue to take all necessary steps to contribute to the successful implementation of the Peace Accords;

8. Acknowledges with satisfaction the continuing efforts of the Governments of Colombia, Mexico, Spain and Venezuela, which make up the Group of Friends of the Secretary-General, as well as the Government of the United States of America, in support of the steps being taken by the Secretary-General to consolidate the peace process in El Salvador;

9. Notes that, as has been pointed out by the Secretary-General, the human rights situation in El Salvador continues to evolve in a somewhat ambivalent fashion, since, on the one hand, there continue to be signs of improvement and, on the other hand, violations persist, particularly as regards the right to life, and the capacity of the judicial system to clarify and punish such violations continues to be unsatisfactory;

10. Urges all States, as well as the international financial and development institutions, promptly and generously to provide financial contributions to support the fulfilment of all aspects of the Peace Accords, including the National Reconstruction Plan;

11. Also urges the Government of El Salvador and all other institutions involved in the electoral process to adopt the necessary measures to create an

atmosphere conducive to ensuring that the elections which are to take place in March 1994 are free, representative and authentic, since they are a key component of the consolidation of the peace process.

DRAFT RESOLUTION IX

Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, 90/ the International Covenants on Human Rights 91/ and other applicable human rights instruments,

Aware that, in accordance with the Charter, the Organization promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that "the will of the people shall be the basis of the authority of government",

Recalling its resolution 47/144 of 18 December 1992,

Recalling also Commission on Human Rights resolution 1992/58 of 3 March 1992, 92/ in which the Commission, inter alia, decided to nominate a special rapporteur to establish direct contacts with the Government and with the people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian Government and the drafting of a new Constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar,

Recalling further Commission on Human Rights resolution 1993/73 of 10 March 1993, 93/ by which the Commission extended for one year the above mandate of the Special Rapporteur,

Gravely concerned that the Government of Myanmar still has not implemented its commitments to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

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90/ Resolution 217 A (III).

91/ Resolution 2200 A (XXI), annex.

92/ Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

93/ Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

Gravely concerned also at the continued violations of human rights in Myanmar, as reported by the Special Rapporteur, in particular summary and arbitrary executions, torture, forced labour, abuse of women, restrictions on fundamental freedoms, including the freedom of expression and assembly, and the imposition of oppressive measures directed in particular at ethnic and religious minorities,

Noting that the human rights situation in Myanmar has consequently resulted in flows of refugees to neighbouring countries, thus creating problems for the countries concerned,

Noting also the measures taken by the Government of Myanmar, including its accession to the Geneva Conventions of 1949 on the protection of victims of war, 94/ and the release of a number of political prisoners in response to the concerns expressed by the international community, including the General Assembly and the Commission on Human Rights,

Welcoming the signing of the Memorandum of Understanding between the Government of Myanmar and the Office of the United Nations High Commissioner for Refugees on 5 November 1993 on the voluntary repatriation of refugees from Bangladesh to Myanmar,

Noting the cease-fire that has been reached between the Government of Myanmar and several groups of ethnic and religious minorities in Myanmar,

1. Expresses its appreciation to the Special Rapporteur of the Commission on Human Rights for his preliminary report and the conclusions and recommendations contained therein; 95/

2. Deplores the continued violations of human rights in Myanmar;

3. Again urges the Government of Myanmar, in conformity with its assurances given at various times, to take all necessary steps towards the restoration of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990, and to ensure that political parties can function freely;

4. Notes with concern the observation of the Special Rapporteur, with regard to the National Convention, that no evident progress has been made towards turning over power to a freely elected civilian Government; 95/

5. Also notes with concern in this respect that most of the representatives duly elected in 1990 have been excluded from participating in the meetings of the National Convention, created to prepare basic elements for the drafting of a new Constitution, and that one of its objectives is to maintain the participation of the armed forces in a leading role in the future political life of the State;

94/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

95/ A/48/578, annex.

6. Strongly urges the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process in accordance with the principles of the Universal Declaration of Human Rights and to accelerate the process of transition to democracy, in particular through the transfer of power to the democratically elected representatives;

7. Urges the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression and assembly, and the protection of the rights of persons belonging to ethnic and religious minorities and to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and to enforced disappearances and summary executions;

8. Appeals to the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights 91/ and the International Covenant on Economic, Social and Cultural Rights 91/ and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 96/

9. Stresses the importance of free and confidential access to prisoners by international humanitarian agencies;

10. Regrets the recent harsh sentences meted out to a number of dissidents, including persons voicing dissent in regard to the procedures of the National Convention;

11. Regrets also that, while a certain number of political prisoners have been released, many political leaders are still deprived of their freedom and their fundamental rights;

12. Strongly urges the Government of Myanmar to release unconditionally and immediately the Nobel Peace Prize Laureate Aung San Suu Kyi, who is now in her fifth year of detention without trial, and other political leaders and remaining political prisoners;

13. Calls upon the Government of Myanmar to respect fully the obligations of the Geneva Conventions of 1949, in particular the obligations in common article III, and to make use of such services as may be offered by impartial humanitarian bodies;

14. Encourages the Government of Myanmar fully to implement the Memorandum of Understanding between the Government of Myanmar and the Office of the United Nations High Commissioner for Refugees of 5 November 1993 and to create the necessary conditions to ensure an end to the flows of refugees to neighbouring countries and to facilitate their speedy repatriation and their full reintegration, in conditions of safety and dignity;

96/ Resolution 39/46, annex.

15. Requests the Secretary-General to assist in the implementation of the present resolution and to report to the General Assembly at its forty-ninth session;

16. Decides to continue its consideration of this question at its forty-ninth session.

DRAFT RESOLUTION X

Human rights in Haiti

The General Assembly,

Recalling its resolutions 46/7 of 11 October 1991, 46/138 of 17 December 1991, 47/20 of 24 November 1992 and 47/143 of 18 December 1992,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 97/ and the International Covenants on Human Rights, 98/

Aware of its responsibility for the promotion and encouragement of respect for human rights and fundamental freedoms for all, and resolved to keep a close watch on human rights violations wherever they may occur,

Reaffirming that all Member States are required to promote and protect human rights and to comply with the obligations laid down in the various instruments in this field,

Taking note of Commission on Human Rights resolution 1993/68 of 10 March 1993, 99/ by which the Commission decided to extend the mandate of the Special Rapporteur for one year, with a view to submitting an interim report to the General Assembly at its forty-eighth session and a final report to the Commission at its fiftieth session,

Taking note also of the report of the International Civilian Mission in Haiti, which was presented in accordance with General Assembly resolution 47/20 B of 20 April 1993, 100/

Deeply concerned about the grave events occurring in Haiti since 29 September 1991, which abruptly and violently interrupted the democratic process in that country and have resulted in the loss of human lives and violations of human rights,

Concerned also at the exodus of Haitian nationals leaving the country because of the deteriorating political and economic situation since 29 September 1991,

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97/ Resolution 217 A (III).

98/ Resolution 2200 A (XXI), annex.

99/ See Official Documents of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

100/ A/47/960 and Corr.1, annex.

Deeply alarmed by the persistence and worsening of serious violations of human rights, in particular summary and arbitrary executions, forced disappearances, reports of torture and rape, arbitrary arrests and detentions and denial of freedom of expression, assembly and association,

Deeply concerned by the increase in acts of violence and intimidation against the Government of Haiti, especially the assassination of the Minister of Justice, François Guy Malary, which have contributed to the temporary withdrawal of the International Civilian Mission,

Recognizing the important role played by the International Civilian Mission established by the United Nations and the Organization of American States, whose presence in Haiti has prevented greater violations of human rights, and encourages its earliest possible return to Haiti,

1. Commends the Special Rapporteur of the Commission on Human Rights, Mr. Marco Tulio Bruni Celli, for his report on the situation of human rights in Haiti 101/ and supports the recommendations contained therein;

2. Once again condemns the overthrow of the constitutionally elected President, Mr. Jean-Bertrand Aristide, and the use of violence and military coercion, and the subsequent deterioration of the situation of human rights in that country;

3. Expresses its conviction that the full implementation of the Agreement of Governors Island, 102/ which was signed by all parties, is an essential part of an improvement of the situation of human rights in Haiti, and that the refusal by one of the parties to implement this Agreement has led to a further deterioration of the human rights situation;

4. Expresses its deep concern about the continuing worsening of the human rights situation in Haiti during 1993 and the resulting increase in violations of the human rights embodied in the International Covenant on Civil and Political Rights, 98/ the International Covenant on Economic, Social and Cultural Rights, 98/ the American Convention on Human Rights: "Pact of San José, Costa Rica" 103/ and other international human rights instruments;

5. Condemns the recurrence of the flagrant human rights violations committed under the illegal government that took power following the coup of 29 September 1991, in particular, summary executions, political assassinations, arbitrary arrests and detentions, torture, searches without warrant, rape, restrictions on freedom of movement, expression, assembly and association and of press and the repression of popular demonstrations calling for the return of President Jean-Bertrand Aristide;

101/ A/48/561, annex.

102/ A/47/975-S/26063.

103/ United Nations, Treaty Series, vol. 1144, No. 17955.

6. Calls for the early return of the International Civilian Mission to Haiti as a means of preventing further violations of human rights;

7. Calls the attention of the international community to the fate of the Haitian nationals who are fleeing the country and requests its support in favour of the efforts being made to assist them;

8. Expresses its appreciation to the Office of the United Nations High Commissioner for Refugees for the work it is doing in favour of the Haitian nationals fleeing the country and invites Member States to continue to give financial and material support to its efforts;

9. Calls upon the Member States to continue, and to intensify, their humanitarian assistance to the people of Haiti and welcomes in this regard the decision of the Secretary-General to dispatch a team of additional humanitarian personnel to Haiti;

10. Decides to keep the situation of human rights and fundamental freedoms in Haiti under review during its forty-ninth session and to consider it further in the light of the information supplied by the Commission on Human Rights and the Economic and Social Council.

DRAFT RESOLUTION XI

Situation of human rights in Afghanistan

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, 104/ the International Covenants on Human Rights 105/ and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 106/ and the Additional Protocols thereto, of 1977, 107/

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

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104/ Resolution 217 A (III).

105/ Resolution 2200 A (XXI), annex.

106/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

107/ Ibid., vol. 1125, Nos. 17512 and 17513.

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan, with a view to formulating proposals that could contribute to ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

Recalling also its resolution 47/141 of 18 December 1992 and all its other relevant resolutions, as well as the resolutions of the Commission on Human Rights and the decisions of the Economic and Social Council,

Taking note, in particular, of Commission on Human Rights resolution 1993/66 of 10 March 1993, 108/ in which the Commission decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year and to request him to report to the General Assembly at its forty-eighth session, and of Economic and Social Council decision 1993/275 of 28 July 1993, in which the Council approved the Commission's decision,

Noting that, following the demise of the former Afghan Government, a transitional Islamic State of Afghanistan was established, 109/

Noting with deep concern that in spite of the efforts and initiatives taken by the Government of Afghanistan towards ensuring complete peace and stability, a situation of armed confrontation, affecting mainly the civilian population, which is still the target of indiscriminate military attacks by rival groups, continues to exist in parts of the territory of Afghanistan, and in particular in Kabul, and has also caused a dramatic rise in the number of persons displaced inside the country,

Concerned that the prevailing situation in the country as regards the political and legal order is affecting the security of members of all ethnic and religious groups, including minorities,

Noting with concern reports of violations of rights enshrined in the International Covenant on Civil and Political Rights, 105/ such as the right to life, to liberty and security of person and to freedom of opinion, expression and association,

Deeply concerned about the violation of the human rights of women by warring factions in Afghanistan, and about the lack of respect towards them and their honour, physical integrity and dignity, as reported by the Special Rapporteur,

Concerned also at reports of detainees who are being held for political reasons by rival groups, in particular in prisons run by political parties, among whom are several members of the former Government,

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108/ Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

109/ See A/47/656, annex, appendix I.

Noting that much remains to be done for the treatment of prisoners to be in conformity with the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Deeply concerned that the repatriation of Afghan refugees has dramatically declined in 1993, owing to the prevailing situation in Afghanistan, and expressing the hope that conditions in the country will allow those still in exile to return as soon as possible,

Aware that peace and security in Afghanistan are prerequisites for the successful repatriation of about four million refugees, in particular the achievement of a comprehensive political solution and the establishment of a freely and democratically elected government, the end of armed confrontation in Kabul and in some provinces, the clearance of the minefields that have been laid in many parts of the country, the restoration of an effective authority in the whole country and the reconstruction of the economy,

Affirming that the declaration of general amnesty issued by the Islamic State of Afghanistan should be applied in a strictly non-discriminatory manner and that prisoners detained by rival groups without trial on Afghan territory should be released unconditionally,

Commending the activity carried out by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in cooperation with the Afghan authorities, as well as non-governmental organizations, in favour of the people of Afghanistan,

Taking note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan 110/ and of the conclusions and recommendations contained therein,

Welcoming the fact that the Special Rapporteur was able to visit the capital of Afghanistan, Kabul,

1. Welcomes the cooperation that authorities in Afghanistan have extended to the Special Rapporteur on the situation of human rights in Afghanistan in view of the circumstances prevailing in the country;

2. Also welcomes the cooperation that the authorities in Afghanistan have extended, in particular to the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and to international organizations, such as the specialized agencies, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

3. Urges all the Afghan parties to undertake, where appropriate under the auspices of the United Nations, all possible efforts in order to achieve a comprehensive political solution, which is the only way to bring about peace and the full restoration of human rights in Afghanistan, based on the free exercise

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110/ A/48/584, annex.

of the right to self-determination by the people, including free and genuine elections, the cessation of armed confrontation and the creation of conditions that will permit the free return, as soon as possible, of about four million refugees to their homeland in safety and dignity, whenever they wish, and the full enjoyment of human rights and fundamental freedoms by all Afghans;

4. Welcomes all the efforts towards reaching a comprehensive, peaceful political solution to the conflict in Afghanistan;

5. Urges all the parties to carry out, as soon as possible, a disarmament process which constitutes a prerequisite to a solution to the conflict, as decided also in the Islamabad agreement signed by the Afghan parties;

6. Invites the United Nations to offer, upon request of the Government of Afghanistan and with due regard to the Afghan tradition, advisory services and technical assistance concerning the drafting of the Constitution, which should embody internationally accepted human rights principles, and the holding of direct elections;

7. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and calls upon all the Afghan parties to respect human rights;

8. Urges all the Afghan parties to respect accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, to halt the use of weapons against the civilian population, to protect all civilians from acts of reprisal and violence, including ill-treatment, torture and summary executions, and to expedite the simultaneous release of prisoners wherever they may be held;

9. Strongly urges all Afghan parties to ensure respect for the human rights and fundamental freedoms of women, so that their honour and dignity be ensured in accordance with the provisions of international human rights instruments and the humanitarian law;

10. Calls upon all States and parties concerned to make all efforts for the realization of its decision 47/428 of 16 December 1992 entitled "Prisoners of war and persons missing as a result of war in Afghanistan", and calls upon them to make all efforts for the immediate release of all prisoners of war, and in particular of former Soviet prisoners of war, as provided for under article 118 of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, 111/ considering that the hostilities in which the former Soviet Union was involved have legally and effectively ended, and also in particular for the tracing of the many Afghans still missing as the result of the war;

111/ United Nations, Treaty Series, vol. 75, No. 972.

11. Urges the unconditional release of all prisoners detained without trial on the Afghan territory by rival groups, and calls for the abolition of prisons run by political parties;

12. Calls upon the authorities in Afghanistan to investigate thoroughly the fate of those persons who have disappeared during the conflict, to apply amnesty decrees equally to all detainees, to reduce the period during which prisoners await trial, to treat all prisoners, especially those awaiting trial or those in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners, 112/ adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to apply to all suspected or convicted persons article 14, paragraphs 3 (d), 5, 6 and 7, of the International Covenant on Civil and Political Rights; 105/

13. Appeals to all Member States to provide adequate humanitarian assistance to Afghanistan, to contribute to alleviate the suffering of refugees, especially the living conditions of women and children;

14. Urgently appeals to all Member States and humanitarian organizations to continue to promote the implementation of the projects envisaged by the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, especially the pilot projects for the repatriation of refugees;

15. Reiterates its appeals to all Member States, humanitarian organizations and all parties concerned to cooperate fully on the subject of mine detection and clearance, in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity;

16. Strongly urges all the parties to the conflict to undertake all necessary measures to ensure the safety of the personnel of humanitarian organizations involved in the implementation of the United Nations humanitarian and economic assistance programmes relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, in order to avoid further deplorable incidents such as those which have caused loss of life among that personnel;

17. Invites the United Nations Educational, Scientific and Cultural Organization, once the situation is back to normal and upon invitation of the Afghan Government, to study the situation of the Kabul Museum and of the national archives and to take proper action to preserve the Afghan cultural heritage;

18. Recommends the translation into the dari and pashtu languages of the report of the Special Rapporteur;

112/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1).

19. Urges the authorities in Afghanistan to continue to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur;

20. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

21. Decides to keep under consideration during its forty-ninth session the situation of human rights in Afghanistan, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

DRAFT RESOLUTION XII

Situation of human rights in the Territory of the former Yugoslavia: violations of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 113/ the International Covenants on Human Rights, 114/ the International Convention on the Elimination of All Forms of Racial Discrimination, 115/ the Convention on the Rights of the Child, 116/ the Convention on the Prevention and Punishment of the Crime of Genocide, 117/ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 118/ and other instruments of international humanitarian law, including the Geneva Conventions of 12 August 1949 for the protection of victims of war 119/ and the Additional Protocols thereto of 1977, 120/ as well as the principles and commitments undertaken by States members of the Conference on Security and Cooperation in Europe,

Gravely concerned at the human tragedy in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and

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113/ Resolution 217 A (III).

114/ Resolution 2200 A (XXI), annex.

115/ Resolution 2106 A (XX), annex.

116/ Resolution 44/25, annex.

117/ Resolution 260 A (III).

118/ Resolution 39/46, annex.

119/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

120/ Ibid., vol. 1125, Nos. 17512 and 17513.

Montenegro) and at the continuing massive and systematic violations of human rights occurring in most of those areas, particularly in the areas of Bosnia and Herzegovina under Bosnian Serb control,

Recalling its resolution 47/147 of 18 December 1992, Commission on Human Rights resolutions 1992/S-1/1, 1992/S-2/1 and 1993/7 and relevant resolutions of the Security Council,

Recalling specifically Security Council resolutions 771 (1992) of 13 August 1992, 780 (1992) of 6 October 1992, 787 (1992) of 16 November 1992, 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993 in which the Council demanded, inter alia, that all parties and others concerned in the former Yugoslavia immediately cease and desist from all breaches of international humanitarian law, requested the Secretary-General to establish a commission of experts to examine and analyse information relating to serious violations of such law being committed in the territory of the former Yugoslavia, and established an international tribunal for the prosecution of persons responsible for such violations,

Welcoming the convening of the International Tribunal and the naming of its Chief Prosecutor,

Welcoming also Security Council resolutions 824 (1993) of 6 May 1993 and 836 (1993) of 4 June 1993, in which the Council declared that Sarajevo, Tuzla, Zepa, Gorazde, Bihac, Srebrenica and their surroundings should be treated as safe areas and that international humanitarian agencies should be given free and unimpeded access to those areas,

Welcoming further the interim report 121/ and recommendations of the Special Rapporteur,

Expressing its appreciation to all States that have cooperated with the United Nations High Commissioner for Refugees,

Recalling its resolutions 47/80 of 16 December 1992, in which it condemned unreservedly "ethnic cleansing" and acts of violence arising from racial hatred, and reiterated its conviction that those who committed or ordered the commission of acts of "ethnic cleansing" were individually responsible and should be brought to justice, and 47/121 of 18 December 1992, in which it, inter alia, stated that the abhorrent policy of "ethnic cleansing" was a form of genocide,

Noting with appreciation the efforts of the Special Rapporteur, as well as those of the Chairman of the Working Group on Arbitrary Detention, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture and the representative of the Secretary-General on internally displaced persons, who accompanied him on his missions,

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121/ S/26469.

Encouraging the continuing efforts made in the framework of the International Conference on the Former Yugoslavia to find a peaceful solution,

Welcoming the ongoing efforts of the Conference on Security and Cooperation in Europe to re-establish its presence in the Federal Republic of Yugoslavia (Serbia and Montenegro) in order to prevent further human rights violations, and deeply concerned about the decision of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to expel the monitoring missions of the Conference on Security and Cooperation in Europe and the European Community of long duration to Kosovo, Sandjak and Vojvodina, where the human rights situation remains a cause of great concern,

Welcoming also the efforts of the European Union, inter alia, through its monitoring missions, to promote respect for human rights and fundamental freedoms in the territory of the former Yugoslavia,

Gravely concerned at the human rights situation in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and in particular at the continuing, odious practice of "ethnic cleansing", which is the direct cause of the vast majority of human rights violations there and whose principal victims are the Muslim population threatened with virtual extermination,

Noting the discriminatory policies, measures and violent actions committed against ethnic Albanians in Kosovo, and aware of the possible escalation of the situation into a violent conflict there,

Strongly rejecting policies and ideologies aimed at "ethnic cleansing" and at promoting racial and religious hatred in any form,

Alarmed that, although the conflict in Bosnia and Herzegovina is not a religious conflict, it has been characterized by the systematic destruction and profanation of mosques, churches and other places of worship, as well as other sites of cultural heritage, in particular in areas currently or previously under Bosnian Serb and Bosnian Croat control,

1. Commends the Special Rapporteur on the situation of human rights in the territories of the successor States of the former Yugoslavia for his reports; 122/

2. Expresses its grave concern at the Special Rapporteur's detailed reports of massive and systematic violations of human rights and humanitarian law in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

3. Notes with grave concern the Special Rapporteur's conclusions about the impending humanitarian disaster in the Republic of Bosnia and Herzegovina this winter;

122/ S/26383, S/26415, S/26469.

4. Condemns in the strongest terms all violations of human rights and international humanitarian law in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) by all sides to the conflict, recognizing that the leadership in territory under the control of Serbs in the Republics of Bosnia and Herzegovina and Croatia, the commanders of Serb paramilitary forces and political and military leaders in the Federal Republic of Yugoslavia (Serbia and Montenegro) bear primary responsibility for most of those violations;

5. Condemns also the specific violations identified by the Special Rapporteur, most of which are committed in connection with "ethnic cleansing", and which include killings, torture, beatings, arbitrary searches, rape, disappearances, destruction of houses and other acts or threats of violence aimed at forcing individuals to leave their homes, as well as reports of violations of human rights in connection with detention;

6. Condemns further the indiscriminate shelling of cities and civilian areas, the systematic terrorization and murder of non-combatants, the destruction of vital services, and besieging of cities and the use of military force against civilian populations and relief operations by all sides, recognizing that the main responsibility lies with the Bosnian Serbs, who have used such tactics as a matter of policy, and the Bosnian Croats;

7. Supports the determination of the Security Council that all persons who perpetrate or authorize violations of international humanitarian law are individually responsible for those breaches and that the international community shall exert every effort to bring them to justice;

8. Urges all States, United Nations bodies, including the specialized agencies, and the Special Rapporteur and, as appropriate, international humanitarian organizations to make available substantiated information in their possession or submitted to them relating to the violations and the perpetrators of such violations of international humanitarian law, including grave breaches of the Geneva Conventions, in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to the International Tribunal established by Security Council resolution 827 (1993) for prosecution, as appropriate, by the Chief Prosecutor;

9. Expresses deep concern at the number of disappearances and missing persons in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and reiterates calls on all parties to make all possible efforts to account for those missing;

10. Urges that an immediate end be brought to the continuing practice of "ethnic cleansing", and in particular that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) use their influence with the self-proclaimed Serbian authorities in Bosnia and Herzegovina and Croatia to bring the practice of "ethnic cleansing" to an immediate end and to reverse the effects of that practice;

11. Urges the Government of Croatia to use its influence with the self-proclaimed Croatian authorities in Bosnia and Herzegovina to bring the

practice of "ethnic cleansing" to an immediate end and to reverse the effects of that practice;

12. Reaffirms that States are to be held accountable for violations of human rights which their agents commit upon their own territory or the territory of another State;

13. Expresses its complete support for the victims of those violations, reaffirms the right of all persons to return to their homes in safety and dignity, considers invalid all acts made under duress affecting ownership of property and other related questions, recognizes the right of victims of "ethnic cleansing" to receive just reparation for their losses, and urges all parties to fulfil their agreements to this end;

14. Condemns in particular the violations of human rights and humanitarian law in connection with detention, including killings, torture and the systematic practice of rape, and urges the immediate, internationally supervised release of all persons arbitrarily or illegally detained in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

15. Calls for the immediate closure of all detention facilities not in compliance with the Geneva Conventions of 12 August 1949; 118

16. Urges all parties to notify immediately the International Committee of the Red Cross of the locations of all camps, prisons and other places of detention within Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and that the International Committee of the Red Cross, the Special Rapporteur and his staff, the United Nations High Commissioner for Refugees, the monitoring and other missions of the European Union and the Conference on Security and Cooperation in Europe and other relevant international and regional organizations be granted immediate, unimpeded and continued access to such places of detention;

17. Expresses its grave concern at the deteriorating human rights situation in the Federal Republic of Yugoslavia (Serbia and Montenegro) particularly in Kosovo, as described in the reports of the Special Rapporteur, and strongly condemns the violations of human rights occurring there;

18. Strongly condemns in particular the measures and practices of discrimination and the violations of the human rights of the ethnic Albanians of Kosovo, as well as the large-scale repression committed by the Serbian authorities, including:

(a) Police brutality against ethnic Albanians, arbitrary searches, seizures and arrests, torture and ill-treatment during detention and discrimination in the administration of justice, which leads to a climate of lawlessness in which criminal acts, particularly against ethnic Albanians, take place with impunity;

(b) The discriminatory removal of ethnic Albanian officials, especially from the police and judiciary, the mass dismissal of ethnic Albanians from professional, administrative and other skilled positions in State-owned

enterprises and public institutions, including teachers from the Serb-run school system, and the closure of Albanian high schools and universities;

(c) Arbitrary imprisonment of ethnic Albanian journalists, the closure of Albanian-language mass media and the discriminatory removal of ethnic Albanian staff from local radio and television stations;

(d) Repression by the Serbian police and military;

19. Urges the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) To take all necessary measures to bring to an immediate end the human rights violations inflicted on the ethnic Albanians in Kosovo, including, in particular, discriminatory measures and practices, arbitrary detention and the use of torture, other cruel, inhuman or degrading treatment and the occurrence of summary executions;

(b) To revoke all discriminatory legislation, in particular that which has entered into force since 1989;

(c) To re-establish the democratic institutions of Kosovo, including the Parliament and the judiciary;

(d) To resume dialogue with the ethnic Albanians in Kosovo, including under the auspices of the International Conference on the Former Yugoslavia;

20. Also urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect the human rights and fundamental freedoms of ethnic Albanians in Kosovo, and expresses the view that the best means to safeguard human rights in Kosovo is to restore its autonomy;

21. Expresses its grave concern at the report by the Special Rapporteur of violations of human rights occurring in Sandjak and Vojvodina, particularly acts of physical harassment, abductions, the burning of homes, warrantless searches, confiscation of property, arbitrary arrests, the closure of political parties, and other discriminatory practices in favour of the Serbian population, which are intended to change the ethnic structure of those areas;

22. Calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the immediate entry of an international human rights monitoring presence into the country, particularly to Kosovo, and strongly urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to reconsider their refusal to allow the continuation of the activities of the missions of the Conference on Security and Cooperation in Europe in Kosovo, Sandjak and Vojvodina and to cooperate with the Conference on Security and Cooperation in Europe by taking the practical steps for the resumption of the activities of those missions called for by the Security Council in its resolution 855 (1993) in order to prevent the extension of the conflict of those areas;

23. Reaffirms that all parties to the conflict in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) share the responsibility for finding a peaceful solution through negotiations under the auspices of the International Conference on the Former Yugoslavia, urges that human rights concerns be given proper priority in the peace process, and calls upon the parties to implement immediately all commitments made in the framework of the International Conference on the Former Yugoslavia and to reach a just and durable solution as soon as possible;

24. Urges all United Nations bodies, including the United Nations Protection Force, the United Nations human rights treaty bodies and the specialized agencies, and Governments and informed intergovernmental and non-governmental organizations to cooperate fully with the Special Rapporteur, and in particular to provide him on a continuing basis with all relevant and accurate information in their possession on the situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

25. Urges all States and competent organizations to consider implementation of the recommendations of the Special Rapporteur and his recent reports, and in particular:

(a) Welcomes the Special Rapporteur's call for the opening of humanitarian relief corridors to prevent the imminent death of tens of thousands of persons, especially in view of the lack of access to many areas in the face of the coming winter;

(b) Supports the Special Rapporteur's call for the immediate release of detainees into conditions of safety;

(c) Draws the attention of the international community to the need for an effective response to counter the policy of "ethnic cleansing" perpetrated by any side, particularly the Bosnian Serb forces, who have used such tactics as a matter of policy, and Bosnian Croat forces;

(d) Supports the request of the Special Rapporteur to the Croatian authorities to take action against those who have committed human rights violations and contravened international humanitarian standards in the Medak Pocket and to take steps to punish those responsible to prevent such incidents in the future;

(e) Welcomes the signing of the Joint Declaration with respect to Freedom of Movement of 18 November 1993, in which the signatories have solemnly agreed to ensure complete and secure freedom of movement for all personnel of the United Nations and international humanitarian organizations and which was solemnly renewed within the framework of the Geneva Conference of 29 November 1993;

26. Urges the Secretary-General to take all necessary steps to ensure the full and effective coordination of the activities of all United Nations bodies in implementing the present resolution, and urges those bodies concerned with the situation in the territories of Bosnia and Herzegovina, Croatia and the

Federal Republic of Yugoslavia (Serbia and Montenegro) to coordinate closely with the Special Rapporteur and the Tribunal;

27. Also urges the Secretary-General, within existing resources, to make all necessary resources available for the Special Rapporteur to carry out his mandate and in particular to provide him with adequate staff based in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to ensure effective continuous monitoring of the human rights situation there and coordination with other United Nations bodies involved, including the United Nations Protection Force;

28. Requests the Secretary-General to give all other necessary assistance to the Special Rapporteur to enable him to fulfil his mandate;

29. Calls upon the States concerned to cooperate fully with the Special Rapporteur so as to enable him to fulfil his mandate;

30. Invites the Chief Prosecutor to consider the appointment to his office of experts in the prosecution of crimes of sexual violence;

31. Calls upon States to put experts, including experts in the prosecution of crimes of sexual violence, at the disposal of the Chief Prosecutor and the Tribunal;

32. Invites the Commission on Human Rights at its fiftieth session to request the Special Rapporteur to report to the General Assembly at its forty-ninth session;

33. Decides to continue its examination of this question at its forty-ninth session under the item entitled "Human rights questions".

DRAFT RESOLUTION XIII

Situation of human rights in Cambodia

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 123/ and the International Covenants on Human Rights, 124/

Taking note of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict 125/ signed on 23 October 1991, including part III relating to human rights,

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123/ Resolution 217 A (III).

124/ Resolution 2200 A (XXI), annex.

125/ A/46/608-S/23177.

Recalling Commission on Human Rights resolution 1993/6 of 19 February 1993, 126/

Bearing in mind the role and responsibilities of the United Nations and the international community in the process of the rehabilitation and reconstruction of Cambodia,

Recognizing that Cambodia's tragic recent history requires special measures to assure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Paris Agreements, 125/

Welcoming the elections of May 1993 and the inauguration of the Government of the Kingdom of Cambodia,

1. Welcomes the establishment in Cambodia of an operational presence of the Centre for Human Rights:

(a) To manage the implementation of educational and technical assistance and advisory services programmes, and to ensure their continuation;

(b) To assist the Government of Cambodia established after the election, at its request, in meeting its obligations under the human rights instruments recently adhered to, including the preparation of reports to the relevant monitoring committees;

(c) To provide support to bona fide human rights groups in Cambodia;

(d) To contribute to the creation and/or strengthening of national institutions for the promotion and protection of human rights;

(e) To continue to assist with the drafting and implementation of legislation to promote and protect human rights;

(f) To continue to assist with the training of persons responsible for the administration of justice;

2. Requests the Secretary-General, in line with all effective measures, to assure the protection of the human rights of all people in Cambodia and to ensure adequate resources, from within existing overall United Nations resources, for the functioning of the operational presence of the Centre for Human Rights in Cambodia;

3. Welcomes also the appointment by the Secretary-General of a Special Representative to undertake the tasks set out in paragraph 6 of Commission on Human Rights resolution 1993/6;

4. Requests the Secretary-General to provide all necessary resources, from within existing resources, to enable the Special Representative to fulfil those tasks expeditiously;

126/ Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

5. Also requests the Secretary-General to report to the General Assembly at its forty-ninth session on the role of the Centre for Human Rights in assisting the Cambodian Government and people in the promotion and protection of human rights and on any recommendations made by the Special Representative on matters within his mandate;

6. Decides to continue its consideration of the situation of human rights in Cambodia at its forty-ninth session.

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Forty-eighth session
Agenda item 114 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Report of the Third Committee (Part V)*

Rapporteur: Mrs. Rosa Carmina Recinos de MALDONADO (Guatemala)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 24 September 1993, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-eighth session the item entitled:

"Human rights questions:

"(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms"

and to allocate it to the Third Committee.

2. The Committee considered the item in conjunction with items 115 and 172 at its 36th to 55th meetings, on 17 to 19, 22 to 24, 26, 29 and 30 November and on 1, 3, 6 and 8 December 1993. Item 114 (b) was also considered at the 56th to 58th meetings on 13 and 16 December 1993.** An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.3/48/SR.36-58).

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* The report of the Committee on item 114 will be issued in five parts (see also A/48/632 and Add.1-3).

** See also A/48/632/Add.2.

3. For the documents before the Committee under this item, see document A/48/632.

4. At the 32nd meeting, the Chairman, following consultations with the delegations of the Third Committee, made the following proposal, which was accepted by the Committee (see A/C.3/48/SR.32):

"To establish the open-ended working group of the Third Committee which will undertake as a matter of priority the consideration of the question of the establishment of a High Commissioner for Human Rights for the promotion and protection of all human rights, and will also consider other aspects of the implementation of the recommendations of the Vienna Declaration and Programme of Action, as set out in paragraphs 17 and 18 of the Declaration.

"The open-ended working group will be transparent, be supported with conference services, including interpretation and documentation, and work with a view to achieving consensus.

"Accordingly, the working group will start its deliberations by considering the question of the establishment of a High Commissioner for Human Rights, with a view to completing this consideration by the end of the work of the Third Committee.

"Upon the completion of this issue, the working group will consider other aspects of the implementation of the recommendations of the Vienna Declaration and Programme of Action, as set out in paragraphs 17 and 18 of part II of the said Declaration.

"The Permanent Representative of Ecuador, Ambassador José Ayala Lasso, will be the Chairman of the working group."

5. The Working Group held meetings on 15, 18, 22, 24, 26 and 30 November 1993 and 1, 2, 3, 7, 9, 10 and 11 December 1993.

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/48/L.59 and proposed amendments contained in document A/C.3/48/L.79

6. On 29 November 1993, the representative of the United States of America submitted a draft resolution entitled "Establishment of a United Nations High Commissioner for Human Rights" (A/C.3/48/L.59). The text of the draft resolution read as follows:

"The General Assembly,

"Recognizing the necessity for a continuing adaptation of the United Nations human rights machinery to the current and future needs in the promotion and protection of human rights, as reflected in the Vienna

Declaration and Programme of Action, 1/ and within the framework of a balanced and sustainable development for all people,

"Recognizing in particular that the United Nations human rights organs should improve their coordination, efficiency, and effectiveness,

"Having considered the recommendation contained in paragraph 18 of part II of the Vienna Declaration and Programme of Action, 1/

"Decides to create the Office of High Commissioner for Human Rights within the framework outlined in the annex to the present resolution, and requests the Secretary-General to advise the General Assembly of his proposed appointment to fill this post by 1 March 1994.

"ANNEX

"Framework governing selection and operations of the United Nations High Commissioner for Human Rights

"1. Method of election and duration of term

"The High Commissioner will:

"- Be appointed by the Secretary-General of the United Nations and approved by the General Assembly;

"- Serve a four-year term, renewable on the recommendation of the Secretary-General and approval of the General Assembly for a maximum of one four-year period;

"- Hold a rank equivalent to that of an Under-Secretary-General.

"In considering the appointment of a High Commissioner, the Secretary-General will be guided by the considerations set down in Article 101.3 of the Charter of the United Nations.

"2. Personal qualifications of a High Commissioner

"The High Commissioner will be a person of high moral standing with the expertise, the personal independence, the requisite knowledge and understanding of diverse cultures, and the integrity necessary for the impartial and effective performance of the duties of High Commissioner.

"3. Framework and guiding principles

"In the performance of his/her mandate and functions, the High Commissioner will:

1/ A/CONF.157/24 (Part I), chap. III.

"- Be guided by the Charter of the United Nations, the Universal Declaration of Human Rights, 2/ other international instruments on human rights, and international law;

"- Attach priority to cooperation for the promotion and protection of human rights;

"- Observe the importance of acting with discretion and of seeking to secure the full cooperation of the State concerned;

"- Act on the basis that all human rights are universal, indivisible and interrelated, and that, while the significance of various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

"- Demonstrate impartiality and objectivity in the implementation of his/her mandate;

"- Recognize the importance of promoting balanced and sustainable development for all people, and of the relationship between human rights, democracy and development as elaborated in the Vienna Declaration and Plan of Action. 1/

"4. Mandate and functions of the High Commissioner

"The High Commissioner will be the United Nations official with principal responsibility for the promotion and protection of all human rights. Within the framework of the overall competence, authority and decisions of the Secretary-General, the General Assembly, the Economic and Social Council and the Commission on Human Rights, the High Commissioner's responsibilities will include:

"(a) The promotion and protection of all human rights and fundamental freedoms, including:

"(i) The effective enjoyment by all of their civil, cultural, economic, political and social rights;

"(ii) Elimination and prevention of violations of all human rights around the world;

"(b) The coordination of:

"(i) Human rights activities of the United Nations system and of the human rights dimensions of other United Nations activities, including, inter alia, in the areas of peace-keeping, electoral

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2/ Resolution 217 A (III).

assistance and developmental activities, in conformity with the recommendations of appropriate organs;

"(ii) The adaptation and strengthening of the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness;

"(iii) Through the Centre for Human Rights and other relevant units and organizations, the provision of advisory services and technical assistance to Member States in the field of human rights at the request of the State concerned;

"(iv) The strengthening of United Nations human rights education and public information programmes for the promotion and protection of all human rights;

"(c) Responsibility for:

"(i) The overall supervision of the Centre for Human Rights and other United Nations offices as may be designated by the Secretary-General;

"(ii) The presentation of recommendations to relevant bodies of the United Nations system with a view to improving the promotion and protection of all human rights;

"(iii) Implementing the relevant recommendations of the Vienna Declaration and Programme of Action;

"(iv) Implementation of the decisions of the competent organs of the United Nations system in the field of human rights;

"(v) In appropriate cases, initiating within the framework of the overall authority of the Secretary-General, and with due regard for the value of proceeding with discretion and of keeping the Commission on Human Rights apprised as appropriate of his/her actions:

"- Contacts with Governments;

"- The dispatch of fact-finding missions with the consent of States concerned;

"- Provision of assistance to Governments at their request;

"- Other appropriate action to prevent serious violations of human rights;

"(vi) Representing the Secretary-General in connection with his responsibilities for liaison and coordination of United Nations activities in the field of human rights with those of other bodies of the United Nations system;

"(vii) The annual submission to the Commission on Human Rights and to the Economic and Social Council of a preliminary report, and to the General Assembly of a final report, on his/her activities and recommendations in accordance with his/her mandate.

"5. Human and financial resources

"The Secretary-General is called upon to ensure that appropriate resources are provided to the High Commissioner to enable him/her to fulfil this mandate."

7. On 3 December, the representative of Malaysia submitted proposed amendments (A/C.3/48/L.79) to draft resolution A/C.3/48/L.59, which read as follows:

"A. Add the following preambular paragraphs:

"1. Reaffirming its commitment to the purposes and principles of the Charter of the United Nations,

"2. Emphasizing the responsibilities of all States, in conformity with the Charter of the United Nations, to promote and encourage respect for all human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

"3. Emphasizing the need to observe the principles of the Universal Declaration of Human Rights and for the full implementation of the human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Declaration on the Right to Development,

"4. Considering that the promotion and the protection of all human rights is one of the priorities of the international community,

"5. Recalling that one of the purposes of the United Nations enshrined in the Charter is to achieve international cooperation in promoting and encouraging respect for human rights,

"6. Reaffirming the commitment contained in Article 56 of the Charter of the United Nations to take joint and separate action in cooperation with the United Nations for the achievement of the principles set forth in Article 55 of the Charter,

"7. Aware that all human rights are universal, indivisible, interdependent and interrelated and that, as such, they should be given the same emphasis,

"8. Emphasizing the need for the promotion and protection of all human rights to be guided by the principles of impartiality, objectivity and non-selectivity in the spirit of constructive international dialogue and cooperation,

"9. Reaffirming its commitment to the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

"10. Convinced that the World Conference on Human Rights made an important contribution to the cause of human rights and that its recommendations should be implemented as appropriate, through effective action by all States, the competent organs of the United Nations and the specialized agencies, as well as non-governmental organizations,

"11. Recognizing that the activities of the United Nations in the field of human rights should be rationalized and enhanced in order to strengthen the United Nations machinery in this field,

"12. Acknowledging the importance of strengthening the provision of advisory services and technical assistance by the Centre for Human Rights and other relevant programmes and bodies of the United Nations system for the purpose of the promotion and protection of all human rights,

"B. Replace the first preambular paragraph with the following:

"13. Reaffirming the necessity for a continued adaptation of the United Nations human rights machinery to the current and future needs in the promotion and protection of human rights and the need to improve their coordination, efficiency and effectiveness, as reflected in the Vienna Declaration and Programme of Action and within the Framework of a balanced and sustainable development for all people,

"C. Replace the second preambular paragraph with the following:

"14. Determined to strengthen, adapt and streamline the existing mechanisms to promote and protect all human rights and fundamental freedoms while avoiding unnecessary duplications,

"D. Add the following preambular paragraph:

"15. Reaffirming that the General Assembly, the Economic and Social Council and the Commission on Human Rights are the responsible organs for decision and policy-making for the promotion and protection of all human rights,

"E. Maintain the third preambular paragraph.

"F. Replace operative paragraph 1 with the following:

"Decides to create the post of the United Nations High Commissioner for Human Rights;

"G. Replace the entire annex of A/C.3/48/L.59 with the following operative paragraphs:

"2. Decides that the High Commissioner for Human Rights shall:

"(a) Be a person of a high moral standing and personal integrity and shall possess expertise, including in the field of human rights, with a general knowledge and understanding of diverse cultures, necessary for impartial, objective, non-selective and effective performance of the duties of the High Commissioner;

"(b) Be appointed by the Secretary-General and approved by the General Assembly, with due regard to geographical rotation, and have a fixed term of four years with a possibility of one renewal for another fixed-term of four years;

"(c) Be of the rank of Under-Secretary-General;

"3. Decides that the High Commissioner for Human Rights shall:

"(a) Function within the framework of the Charter of the United Nations, the Universal Declaration of Human Rights, other international instruments of human rights and international law, including the obligations, within this framework, to respect the sovereignty, territorial integrity and domestic jurisdiction of States and to promote the universal respect and observance of all human rights;

"(b) Be guided by the recognition that all human rights, civil, cultural, economic, political and social, are universal, indivisible, interdependent and interrelated and, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

"(c) Act within a framework of a balanced and sustainable development for all people without conditions and of securing realization of the right to development as established in the Declaration on the Right to Development;

"(d) Act, where the particular interest of a Member State is concerned, at the request and on the basis of the consent of the State concerned;

"(e) Demonstrate impartiality, objectivity, non-selectivity and non-politicization in the implementation of his mandate;

"(f) Recognize that the use of human rights as a condition for international cooperation for development is incompatible with the promotion and protection of human rights;

"4. Decides that the High Commissioner for Human Rights will be the United Nations official with principal responsibility for United Nations human rights activities under the direction of the Secretary-General; within the framework of the overall competence, authority and decisions of the Secretary-General, the General Assembly, the Economic and Social Council and the Commission on Human Rights, the High Commissioner's responsibilities shall include:

"(a) Promoting the effective enjoyment of all civil, political, economic, social and cultural rights, including the right to development;

"(b) Monitoring the implementation of the Declaration on the Right to Development, inter alia, by working closely with the Working Group on the Right to Development, established by Commission on Human Rights resolution 1993/22 of 4 March 1993, and make recommendations to fulfil the objectives of the Declaration on the Right to Development;

"(c) Carrying out the tasks assigned to him/her by the competent bodies of the United Nations system in the field of human rights and to make recommendations to them with a view to improving the promotion and protection of all human rights;

"(d) Provision, through the Centre for Human Rights and other appropriate institutions, of advisory services and technical and financial assistance, at the request of the State concerned;

"(e) Coordination of relevant United Nations education and public information programmes in the field of human rights;

"(f) Playing a catalytic role in promoting the realization of the right to development by mobilizing the support and capabilities of the international financial/development institutions;

"(g) Playing an active role in the elimination and prevention of violations of all human rights around the world, as reflected in the Vienna Declaration and Programme of Action;

"(h) Remaining, under the direction of the Secretary-General and in accordance with the mandate, in contact with Governments with a view to promoting and protecting all human rights;

"(i) Enhancing international cooperation for the promotion and protection of all human rights;

"(j) Coordination of the human rights promotion and protection activities throughout the United Nations system;

"(k) Rationalization, strengthening and streamlining of the United Nations machinery in the field of human rights, with a view to improving its efficiency and effectiveness;

"(l) Overall supervision of the Centre for Human Rights;

"5. Requests the High Commissioner for Human Rights to report annually to the Commission on Human Rights, the Economic and Social Council and the General Assembly;

"6. Decides that the Office of the High Commissioner for Human Rights shall be located at Geneva and shall have a liaison office in New York;

"7. Requests that the Secretary-General provide appropriate staff and resources to enable the High Commissioner to fulfil his/her mandate, without diverting resources from the development programmes and activities of the United Nations;

"8. Requests the Secretary-General to report to the General Assembly at its forty-ninth session on the implementation of the present resolution."

8. At the 57th meeting, on 16 December, the representative of the United States of America withdrew draft resolution A/C.3/48/L.59. The representative of Malaysia also withdrew the proposed amendments (A/C.3/48/L.79) to draft resolution A/C.3/48/L.59.

B. Draft resolution contained in document A/C.3/48/L.85

9. At the 56th meeting, on 13 December, the Chairman of the Working Group, Mr. José Ayala Lasso (Ecuador), introduced the report of the Working Group (A/C.3/48/L.85). The report of the Working Group contained a draft resolution for consideration by the Third Committee, entitled "High Commissioner for the promotion and protection of all human rights".

10. At the 57th meeting, on 16 December, the Chairman of the Working Group orally revised the draft resolution recommended for adoption by the Working Group in its report, by inserting, before the fourth preambular paragraph, a new preambular paragraph, which read:

"Reaffirming that the right to development is a universal and inalienable right which is a fundamental part of the rights of the human person,".

11. At the same meeting, the Committee adopted the draft resolution contained in document A/C.3/48/L.85, as orally revised, by consensus (see para. 14).

12. After the adoption of the draft resolution, statements were made by the representatives of Belgium (on behalf of the States Members of the United Nations that are members of the European Union), Chile (on behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States), Indonesia (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries), Hungary, Costa Rica, the former Yugoslav Republic of Macedonia, Australia, Malaysia, Slovenia, India, the Democratic People's Republic of Korea, Pakistan, China, Nigeria, Canada and New Zealand (see A/C.3/48/SR.57) and by Poland, Austria and Hungary and the Chairman of the Working Group (see A/C.3/48/SR.58).

13. Also at the 57th meeting, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of reports considered under the item entitled "Human rights questions" (see para. 15).

III. RECOMMENDATION OF THE THIRD COMMITTEE

14. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

High Commissioner for the promotion and protection of all human rights

The General Assembly,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations,

Emphasizing the responsibilities of all States, in conformity with the Charter of the United Nations, to promote and encourage respect for all human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Emphasizing the need to observe the Universal Declaration of Human Rights 3/ and for the full implementation of the human rights instruments, including the International Covenant on Civil and Political Rights, 4/ the International Covenant on Economic, Social and Cultural Rights, 4/ as well as the Declaration on the Right to Development, 5/

Reaffirming that the right to development is a universal and inalienable right which is a fundamental part of the rights of the human person,

Considering that the promotion and the protection of all human rights is one of the priorities of the international community,

Recalling that one of the purposes of the United Nations enshrined in the Charter is to achieve international cooperation in promoting and encouraging respect for human rights,

Reaffirming the commitment contained in Article 56 of the Charter of the United Nations to take joint and separate action in cooperation with the United Nations for the achievement of the purposes set forth in Article 55 of the Charter,

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3/ Resolution 217 A (III).

4/ Resolution 2200 A (XXI), annex.

5/ Resolution 41/128, annex.

Emphasizing the need for the promotion and protection of all human rights to be guided by the principles of impartiality, objectivity and non-selectivity, in the spirit of constructive international dialogue and cooperation,

Aware that all human rights are universal, indivisible, interdependent and interrelated and that as such they should be given the same emphasis,

Reaffirming its commitment to the Vienna Declaration and Programme of Action, 6/ adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

Convinced that the World Conference on Human Rights made an important contribution to the cause of human rights and that its recommendations should be implemented through effective action by all States, the competent organs of the United Nations and the specialized agencies, in cooperation with non-governmental organizations,

Acknowledging the importance of strengthening the provision of advisory services and technical assistance by the Centre for Human Rights and other relevant programmes and bodies of the United Nations system for the purpose of the promotion and protection of all human rights,

Determined to adapt, strengthen, and streamline the existing mechanisms to promote and protect all human rights and fundamental freedoms while avoiding unnecessary duplication,

Recognizing that the activities of the United Nations in the field of human rights should be rationalized and enhanced in order to strengthen the United Nations machinery in this field and to further the objectives of universal respect for observance of international human rights standards,

Reaffirming that the General Assembly, the Economic and Social Council and the Commission on Human Rights are the responsible organs for decision- and policy-making for the promotion and protection of all human rights,

Reaffirming the necessity for a continued adaptation of the United Nations human rights machinery to the current and future needs in the promotion and protection of human rights and the need to improve their coordination, efficiency and effectiveness, as reflected in the Vienna Declaration and Programme of Action and within the framework of a balanced and sustainable development for all people,

Having considered the recommendation contained in paragraph 18 of part II of the Vienna Declaration and Programme of Action,

1. Decides to create the post of the High Commissioner for Human Rights;

2. Decides that the High Commissioner for Human Rights shall:

6/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

(a) Be a person of high moral standing and personal integrity and shall possess expertise, including in the field of human rights, and the general knowledge and understanding of diverse cultures necessary for impartial, objective, non-selective and effective performance of the duties of the High Commissioner;

(b) Be appointed by the Secretary-General of the United Nations and approved by the General Assembly, with due regard to geographical rotation, and have a fixed term of four years with a possibility of one renewal for another fixed term of four years;

(c) Be of the rank of Under-Secretary-General;

3. Decides that the High Commissioner for Human Rights shall:

(a) Function within the framework of the Charter of the United Nations, the Universal Declaration of Human Rights, 4/ other international instruments of human rights and international law, including the obligations, within this framework, to respect the sovereignty, territorial integrity and domestic jurisdiction of States and to promote the universal respect for and observance of all human rights, in the recognition that, in the framework of the purposes and principles of the Charter, the promotion and protection of all human rights is a legitimate concern of the international community;

(b) Be guided by the recognition that all human rights - civil, cultural, economic, political and social - are universal, indivisible, interdependent and interrelated and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

(c) Recognize the importance of promoting a balanced and sustainable development for all people and of ensuring realization of the right to development, as established in the Declaration on the Right to Development; 5/

4. Decides that the High Commissioner for Human Rights will be the United Nations official with principal responsibility for United Nations human rights activities under the direction and authority of the Secretary-General; within the framework of the overall competence, authority and decisions of the General Assembly, the Economic and Social Council and the Commission on Human Rights, the High Commissioner's responsibilities shall be:

(a) Promoting and protecting the effective enjoyment by all of all civil, cultural, economic, political and social rights;

(b) Carrying out the tasks assigned to him/her by the competent bodies of the United Nations system in the field of human rights and making recommendations to them with a view to improving the promotion and protection of all human rights;

(c) Promoting and protecting the realization of the right to development and enhancing support from relevant bodies of the United Nations system for this purpose;

(d) Providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical and financial assistance, at the request of the State concerned and, where appropriate, the regional human rights organizations, with a view to supporting actions and programmes in the field of human rights;

(e) Coordinating relevant United Nations education and public information programmes in the field of human rights;

(f) Playing an active role in removing the current obstacles and in meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations throughout the world, as reflected in the Vienna Declaration and Programme of Action; 6/

(g) Engaging in a dialogue with all Governments in the implementation of his/her mandate with a view to securing respect for all human rights;

(h) Enhancing international cooperation for the promotion and protection of all human rights;

(i) Coordination of the human rights promotion and protection activities throughout the United Nations system;

(j) Rationalization, adaptation, strengthening and streamlining of the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness;

(k) Overall supervision of the Centre for Human Rights;

5. Requests the High Commissioner for Human Rights to report annually on his/her activities, in accordance with his/her mandate, to the Commission on Human Rights and, through the Economic and Social Council, to the General Assembly;

6. Decides that the Office of the High Commissioner for Human Rights shall be located at Geneva and shall have a liaison office in New York;

7. Requests the Secretary-General to provide appropriate staff and resources from within the existing and future regular budgets of the United Nations, to enable the High Commissioner to fulfil his/her mandate, without diverting resources from the development programmes and activities of the United Nations;

8. Requests the Secretary-General to report to the General Assembly at its forty-ninth session on the implementation of the present resolution.

* * *

15. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Reports considered under the item entitled "Human rights questions"

The General Assembly decides to take note of the following documents:

(a) Report of the Committee Against Torture; 7/

(b) Note by the Secretary-General transmitting the report on the situation of human rights in the territory of the former Yugoslavia prepared by the Special Rapporteur of the Commission on Human Rights; 8/

(c) Report of the Secretary-General on the United Nations Observer Mission to Verify the Referendum in Eritrea; 9/

(d) Report of the Secretary-General on respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes; 10/

(e) Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture; 11/

(f) Note by the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights; 12/

(g) Report of the Secretary-General on financing and adequate staff resources for operations of the human rights treaty bodies; 13/

(h) Note by the Secretary-General on the right to development; 14/

7/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 44 (A/48/44).

8/ A/48/92-S/25341.

9/ A/48/283.

10/ A/48/425.

11/ A/48/520.

12/ A/48/556.

13/ A/48/560.

14/ A/48/576.

(i) Note by the Secretary-General on the situation of human rights in southern Lebanon; 15/

(j) Report of the Secretary-General on strengthening of the Centre for Human Rights of the Secretariat; 16/

(k) Report of the Secretary-General on enhancing the effectiveness of the principle of periodic and genuine elections. 17/

15/ A/48/577.

16/ A/48/589.

17/ A/48/590.